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Floor Debate
March 22, 2017

[LB9 LB97 LB148 LB171 LB207 LB217 LB225 LB246 LB271 LB297 LB298 LB335 LB336
LB363 LB518 LB566 LB590 LB635 LR65 LR66 LR67 LR68 LR69 LR70 LR76 LR77 LR78]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber for the fifty-second day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Senator Walz. Please rise.

SENATOR WALZ: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Senator Walz. I call to order the fifty-second day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

CLERK: I have a quorum present, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Any there any corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT FOLEY: Thank you, sir. Are there any messages, reports, or announcements?

CLERK: Yes, sir, there are. Enrollment and Review reports LB148, LB590, LB271 and LB207 to Select File with Enrollment and Review amendments attached. Revenue Committee chaired by Senator Smith reports LB217 to General File with amendments. Business and Labor chaired by Senator Albrecht reports LB171 and LB363 to General File with amendments. A new resolution, Senator Brewer LR76; that will be laid over. Senator Crawford would like to print an amendment to LB97. That's all that I have, Mr. President. (Legislative Journal pages 775-784.)
[LB148 LB590 LB271 LB207 LB217 LB171 LB363 LR76 LB97]

PRESIDENT FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following six legislative resolutions: LR65, LR66, LR67, LR68, LR69, and LR70. We'll now proceed with the first item on the agenda. General File: 2017 Committee Priority Bills. Mr. Clerk. [LR65 LR66 LR67 LR68 LR69 LR70]

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CLERK: Mr. President, LB335, was a bill introduced by the Speaker at the request of the Governor. It relates to child care, changes provisions relating to rates of reimbursement. The bill was considered yesterday, Mr. President. There was an amendment adopted to the bill by Senator Krist. At this time, there is a motion to indefinitely postpone by Senator Chambers. Senator Chambers opened on that motion, Mr. President. That motion is now pending. [LB335]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Members, before we proceed with debate, I'll ask Senator Riepe and Senator Chambers each take maybe two minutes each to refresh us on where we are on the bill and then we'll proceed to debate. Senator Riepe. [LB335]

SENATOR RIEPE: Thank you, Mr. President. Good morning, colleagues. Today we continue the discussion of LB335 as amended, the first budget modification bill introduced at the request of the Governor. First, I would like to talk about the action of the legislation. Second, I would like to talk about the fiscal note, and finally, I would like to talk about the fiscal implications of LB335. LB335 eliminates the implementation of rate changes in 2017 for child care providers as a result of child care development fund market rate survey. The child care market rate survey is a federally required survey to determine what the current market rate is for children and child care in Nebraska. Current state statute requires the department to adjust the reimbursement rate every odd number year and is to be based upon the market rate survey. The 2017 market rate survey is being... [LB335]

PRESIDENT FOLEY: One minute. [LB335]

SENATOR RIEPE: ...completed--thank you, sir--and should have the preliminary results of the survey later this month. Yesterday, we adopted Senator Krist's amendment, AM703, which adopts a 50th percentile floor for the rate of child care subsidies. Thank you, Mr. President. Thank you, colleagues. [LB335]

PRESIDENT FOLEY: Thank you, Senator Riepe. Senator Chambers, if you'd like a couple of minutes. And this will not count as a speaking opportunity. [LB335]

SENATOR CHAMBERS: Thank you, Mr. President. It won't take two minutes. An indefinite postponement motion is designed to kill the bill. And I think that's all I need to say to make clear what's going on right now. Thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Chambers. Now proceeding to the debate. Senator Crawford, you're recognized. [LB335]

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SENATOR CRAWFORD: Thank you, Mr. President. Good morning, colleagues. I stand in opposition of the motion to indefinitely postpone LB335. I want to again thank my colleagues for passing the amendment that we passed yesterday to put some important safeguards on LB335 moving forward, important safeguards to keep those rates to those providers from dropping below what they currently receive and to set a base floor commitment that we hope to...that we expect to be provided to make sure that we're being attentive to the competitiveness of those rates. And I know that we're going to be no doubt coming back to that issue in Select File to make sure that we can keep those rates from dropping and try to protect that base rate protection. So, colleagues, this is a...LB335 is a very tough bill and it's a very tough budget year. And as I...I am not going to support the motion to indefinitely postpone. I'm not going to keep LB335 from moving forward because I think there are important...and I'm going to explain that in terms of some important principles and strategies that I think we should consider as we have the tough choices ahead of us to make. So my decision not to push for the indefinitely postpone LB335 but to allow it to advance forward is based on these principles and also based on my experience of seeing in the last four years the consequences of different budget-cutting decisions that were made in prior tough budget cycles. And so many of the bills that I have seen my colleagues propose and that I have proposed have been bills to try to reinstate commitments that were in place before the last round of budget cutting and tough efforts to try to reinstate some of those commitments and how hard that has been to reinstate commitments and to reverse costs that were shifted to the local level. So I'm also agreeing to move forward with LB335 at this point, recognizing the choices that we have in the context of many other tough programs and that we're going to be fighting to protect for our most vulnerable citizens. And so we have to make tough choices about where and which programs that we are going to make sure that we are protecting. So those principles are, one, a continuity of core commitments; two, reversibility; three, avoidance of pushing costs to local government; and, four, protections for our most vulnerable citizens. So as I look at LB335, it's important to me that LB335 maintains our core commitment to keeping our daycare, our child care subsidies at a competitive level. We've had a core commitment in this state to keep them in that 60-75 percent level. While I would love to spend more money on child care--if it was up to me, that would be where I would invest--I think we have had for many years this core commitment to keep it in the 60-75 percent range and important to maintain that. LB335 does not eliminate that from our statutes. That statutory obligation remains. It does say we're going to take a one-year hiatus from that commitment. But that commitment to do that market survey and keep those rates in the market survey remains and that's important. The other issue is reversibility. So this is a cost savings that we have that will automatically be reversed because that statute remains in place. It also is a cost savings that we will have to revisit in October when the federal regulations come out and we will be...and again, the Appropriations Committee is being very careful to provide and ensure there is funding available and our Fiscal Office is very aware of making sure that there's funding available to recognize that we will need to revisit this in October, again, in terms of making sure we're being compliant with federal standards. So I do believe that although this is a tough choice, it does

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remain and keep in place our continuity of care...our core commitment to this program. And it is reversible, will be automatically reversible without further action of the body. And it does not have the problem of just pushing costs to the local government. We're keeping this responsibility ourselves and recognizing that we're going to have to come up with that money to kick this commitment back up again in October or in the future cycle and we will be committed to doing that in the future cycle. So it's also the question of protecting our most vulnerable citizens. [LB335]

PRESIDENT FOLEY: Time, Senator. [LB335]

SENATOR CRAWFORD: With the safeguard we put in yesterday, we do hold those rates... [LB335]

PRESIDENT FOLEY: Time, Senator. [LB335]

SENATOR CRAWFORD: Thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Crawford. (Doctor of the day and visitors introduced.) Continuing debate, Senator Chambers, you're recognized. [LB335]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I listened carefully to what Senator Howard said...I mean Senator--I'm having a senior moment; somebody help me--Senator Crawford. I wanted to see if people were listening. I hope that they listened to Senator Crawford. I also had a discussion with Senator Krist last night and I am an imminently reasonable person if people talk to me and explain certain things. This bill is not the final product, although it may be. But there are people continuing to look at it, continuing to consider it. I have confidence in the word of all the ones that I spoke with and maybe they know that and that's why they spoke with me. But I'm not going to carry this discussion as far as I could under the rules, but there are still some things that I want to say. And I have to take the opportunity to say these things while the opportunity is here. At my age...and I want all...I want the youngest people here to pay attention. We don't know how much time is promised to us. All that we know for sure is that we're going to leave this place, all of us. Some younger than I will leave it before me because I'm careful about trying to do what I can to stay here. The reason I want to stay here is not because there is unbounded happiness that I experience. There are demons that need to be fought. They come in various styles, liveries, and disguises. Somebody has to be here in this place to address them. Too bad that the Speaker...I meant the Chairperson right now presiding is Senator Foley. I would not ask him to yield to a question, although I thought I'd give him a heart attack by seeing if the Lieutenant Governor would yield to a question or two. He knows what I was thinking but also, observing protocol, I will not do that. This bill is troubling to me for a

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number of reasons, but to be very practical, when you consider the amount of the deficit--that's what people tell us exists--the piddling amount of money compared to that, which will be derived from what this bill does, is totally inconsequential. But when you look at the harm that will be done to the people to whom this program is addressed and the ones for whom it is designed to assist, it can be devastating. There are actual people affected by the legislation that we enact. I don't know about the way the rest of you conduct your affairs, but I'm among the people that I'm sent here to represent. When I say it like that, I mean the people in my district whom I see suffering the slings and arrows of a very unkind, racist fate and there are white people in my district, too, and they suffer the slings and arrows directed toward all poor people of any description. There is a verse in the "Bibble," it might be in one of the minor prophets as they call them, because their books don't have many pages... [LB335]

PRESIDENT FOLEY: One minute. [LB335]

SENATOR CHAMBERS: It makes reference to the poor being sold for a pair of shoes. There are many wonderful notions expressed in the "Bibble" and if the people who profess to believe that book and use it as a manual according to which they conduct their lives, the world would be a much better place, a much better place. The Jesus you all said that you worship said that where there are two or three of you gathered together in his name, he'll be there. Two or three of you all could bring Jesus right here if you believe what you say and if you mean what you say. But Jesus said you draw near to him with your lips, but your heart is far from him. That you call him Lord, Lord, and you don't do what he says. So why would he come to a place where people say you're welcome, but everybody standing there welcoming him has a brick bat at the ready, a stone in each hand, and then somebody else with long nails and a hammer with which Jesus has had experience... [LB335]

PRESIDENT FOLEY: Time, Senator. [LB335]

SENATOR CHAMBERS: ...so he wouldn't feel welcome there. [LB335]

PRESIDENT FOLEY: Time, Senator. [LB335]

SENATOR CHAMBERS: Oh, thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Harr, you're recognized. [LB335]

SENATOR HARR: Thank you, Mr. President. Thank you, members of the body. I apologize. I was gone yesterday. So if what I'm asking is repetitive, I apologize. I had to work at my other job

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yesterday. Is Senator Friesen available for a question? Excuse me, Senator Riepe. There we go. I had my senior moment. [LB335]

PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB335]

SENATOR RIEPE: Thank you. Yes, I am. [LB335]

SENATOR HARR: Thank you. Senator Riepe, there was an amendment adopted yesterday, is that correct? [LB335]

SENATOR RIEPE: That is correct. [LB335]

SENATOR HARR: Okay. And you stated in your opening that there is a survey that's going to come. Is the survey results or is the survey due at the end of the month as far as cost for childcare? [LB335]

SENATOR RIEPE: This survey is due from the university at the end of the month. [LB335]

SENATOR HARR: In a month, okay. So let me ask you this, with the amendment yesterday, how does that affect the fiscal note? [LB335]

SENATOR RIEPE: Well, I think that remains to be seen. It could impact it negatively. But it may not have any impact whatsoever. [LB335]

SENATOR HARR: Thank you. Did you hear that, folks? We adopted an amendment yesterday. We don't even know what it does. We don't know if it affects the bill. We're passing this bill to save money and we put an amendment on the bill and we don't even know what it does. What are we doing here? Were we going to drop below 50 percent? I don't know. Do you know? No, but we passed an amendment to make it safe. Are we saving \$7 million? We don't know. We don't have the survey results. How do we know how much money we're saving? Let's wait and get the survey results. We got time. This isn't in this year's budget, this cut here that Senator Riepe is looking to do on behalf of the Governor to hurt the working poor. Let's wait. Let's wait until next year. I think maybe indefinitely postponing it isn't the answer. I think the answer is let's bracket this until this session is over. Let's have all the information in front of us so we know what we are or are not doing. That's all I have. I'm not going to support the motion, but at this point, I'm not going to support the bill because I don't see a need for it. Thank you, Mr. President. [LB335]

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PRESIDENT FOLEY: Thank you, Senator Harr. Senator Morfeld, you're recognized. [LB335]

SENATOR MORFELD: Thank you, Mr. President. As I noted yesterday, I do believe that the Krist amendment makes a bad bill better. I still oppose the bill in its entirety. I will vote against the bill. I'll likely vote for the motion to indefinitely postpone. I think Senator Harr brings up some good points, some points that only solidify my position in opposition to the bill. I think that as we look at making cuts, and I'll remind all of us that this in many ways is not only an ag commodity problem but also a structural deficit that we have created ourselves over the last 10-15 years, but as we look at how we deal with the mess that we put ourselves in, we need to look at exactly what are we cutting and what are the consequences of what we're cutting. If we're cutting programs that make it tougher for working families to go to work and have a job and make the decision whether or not it's even worth it for them to go to that job because at the end of the day, the child care may be more than what they make in the entire year, then we are making further bad policy positions that are going to further create a larger deficit. LB335 is poor policy. It's a poor solution to a problem that we created ourselves. And that's why I'm opposing it and I'm interested to hear what other people are going to say on the mike today in regard to the amended version of LB335. In any case, I will remain opposed. Thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Krist, you're recognized. [LB335]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. When I put the amendment forward yesterday, it was clearly for two distinct reasons. One, if you read the bill as it was drafted and as it was presented to us, it did not protect a baseline being established and the same amount of money being carried forward. It simply left it up to the department to decide what they were going to pay. You can't read that bill any other way. I wanted to put the floor that Senator Campbell so wisely put in years ago, which says between 60 and 75 percent. I wanted a floor there so we could assure the providers of these child care services that they would not take a cut. A simple level baseline for what they are being paid this year would be a reduction and we could show that in the budget, but we did not want to put them in jeopardy of not getting the same amount of money. That's the safeguard that was put on yesterday. I understand Senator Harr's concern. I understand Senator Morfeld's concern. And I agree with Senator Chambers in that these are critical needs. I was there in 2009 during these budget cuts and there was unintended consequences in things that we cut that we have never, ever restored back to a level where they should be. But let's talk about where we are right now. I went out to talk to the administration, Mrs. Kintner, Mr. Oligmueller, and I made my concerns known. They disagreed that that's not what LB335 said and I said well, I'm going to make sure that that's what you mean because they were clear to me that their intention was to have a baseline, not increase for a year. At which time it goes back to 60-75 percent. That's the way it reads here. And I also made the point yesterday, we don't have the information we need to

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establish that dollar figure because we don't have the assessment that's being done by the university. We know what our projected cut might want to be and that would be the baseline. But that LB335 as it existed did not guarantee that. With the amendment, it does. I was also very clear with Senator Riepe, and we were very clear with each other, that this bill cannot come back out before that assessment is done so that we can see what those actual dollar figures are and get a new fiscal note. Those two fiscal notes you're looking at are the best product that the Fiscal Office could give us. But they really are throwing a dart at a blank wall. They have no target. We have to have a good fiscal note. And when it comes back on Select and I talked to the Speaker and the Speaker assured me that, with all reason possible, it won't come back up until that survey is done. So we are really in the catbird seat right now. If we just move this thing forward as amended and wait until Select File, we can go any number of directions. We kill it and we're going to have to deal with it again next year. We don't guarantee those providers are taken care of and we are not doing our job for the kids and the people of the state; that's how I see the situation. There's so many paths that we could walk from here and none of them are off the cliff. Thank you, colleagues. [LB335]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers, you're recognized. [LB335]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, even somebody as lacking in intelligence, integrity, foresight as Donald Trump had sense enough, when the political winds dictated it, to make exceptions in his anti-Muslim stance, to exempt some all together for whatever motivation he may have had. There are programs in this state which should be exempted from the cuts, however you want to characterize it, because they deal with those who need help the most. Jesus told you all...and I'm going to keep talking about that guy because you all say he means something to you. Don't take it from me; take it from JC. Those who are sick have need of the physician, not those who are well. So you all say the rich people are the ones who need help and not the children, not the parents who must work and they have poor children, they themselves are poor, they don't need the physician? The legislators are the physicians and I heard somebody talking to Jesus this morning, talking about us having the tools and we have the tools. What you all could do, because you all are much smarter than a non-Christian such as myself, you all care about the poor, you all care about mothers, you all care about family units where there is a male and a female, married or not, trying to rear the children, they collaborated together on in order to bring them into the world. And you all want to minister to the people who are hale and hearty. Jesus told you that of heaven, little children are what you'll find heaven made of. But these rich people you want to have, it's easier for a camel to go through an eye of a needle than for them to go into heaven because they don't have a place there. And those are the ones you all kowtow to. And I was telling you before how you can bring Jesus down here among your sinful brothers and sisters, your backsliders, your unbelievers, your nonbelievers. Are there two or three of you who really believe, or is Jesus a liar? Jesus said, where there are two or three of you together, two or three. Are there not two? Certainly there

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won't be three. When a fellow was trying to bargain with God because God was going to destroy the twin cities, not St. Paul and Minneapolis but Sodom and Gomorrah, negotiated with God and said if there are 30 people will you spare it? Yep, because God knows everything. The guy negotiating didn't know what God knew. If there are 20? Yes. If there are ten? Yes. But before he said ten, he knew God had a hair-trigger temper on occasion. So he said, since I have taken it upon myself to negotiate with you, let me go a bit further. If there are ten, will you spare it? Well, God knew there wouldn't be ten that met his standard, so he said sure... [LB335]

PRESIDENT FOLEY: One minute. [LB335]

SENATOR CHAMBERS: ...because he's still going to be able to destroy the city and that's what he said in mind anyway. So if it's possible to negotiate with God, can't you all negotiate with Jesus and ask him to come down here and touch the stone hearts of these others who profess to be Christians and don't want to manifest it in their deeds? You draw an eye to him with your lips, but your heart is far from him. You call him Lord, Lord, but you don't do what he says. Now, you shouldn't let somebody like me who is cursed and hell-bound have a higher standard of dealing with our children than you have. But it doesn't take anything supernatural to let a grown man know how children ought to be protected, whatever that grown man may believe or not believe. And I'm trying to reach you based on what you set out. Thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Bolz, you're recognized. [LB335]

SENATOR BOLZ: Thank you, Mr. President. I just wanted to respond to some of Senator Harr's comments and maybe it has already been addressed on the mike, but just in response to some of his questions and concerns from an Appropriations' perspective, if we take no action on this bill, we will have to find the money to fully fund the market rate study. And based on historical averages, that will be an additional \$7.5 million this year that is not in the preliminary budget. So that takes us even further off the mark. So even if...if we take no action, there is a significant fiscal impact above and beyond what is in the preliminary. Really this bill is about cost avoidance. But even if we pass this bill and there is cost avoidance, we will still, in the second year of the biennium, have to put additional dollars in the budget in order to comply with federal law. The other piece that Senator Harr was talking about was what is the value of putting in the floor? What does that get us? Why is that useful? What that gets us is the parameters in which we have to set our budgets not just now but moving forward. So if we can go no lower than 50 percent in terms of the market rate study, that helps us get a more accurate fiscal analysis versus setting no floor and allowing more flexibility. And why that really matters is because the child care market rate study isn't one rate for every child care provider. It is different rates based on different types of providers in different geographical areas. And so licensed child care providers get paid a different rate than accredited child care providers. Rural providers get paid a different

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rate than urban providers. And by setting that floor, we say no matter how close you are to the bottom, no matter where you are on that spectrum of rates that we provide, nobody falls below 50 percent. So the other comment that I would have for the purpose of discussing this issue with the body is that this is a little different than we usually think about rate setting for Health and Human Services and other services. Usually we think about it as a percentage increase or decrease. So when you look at the preliminary budget, you can see that different Health and Human Services receive different rate increases or decreases. For example, nursing facilities received a 1 percent rate increase rather than a specific number that was put in in a specific way like we might be doing with child care if LB335 passes. You could do the math and try to equate that into a small rate increase for child care providers over the biennium, assuming the Appropriations Committee puts in the dollars in the second year. And I'd have to do that math. But it would be in the spectrum of rates that we've provided for other service providers, somewhere between generally flat funding and 1 or 2 percent. So I hope I have added a little clarity and not added more confusion. It's a complex issue, but I did want to respond to Senator Harr's questions. Really what this bill does is help us avoid costs that would otherwise be put into place because of the statutory requirement related to the market rate study. Those dollars aren't currently in our budget. If the floor chooses not to pass this bill, we will have to find an additional \$7 million per year to implement the market rate study. Thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Howard, you're recognized. [LB335]

SENATOR HOWARD: Thank you, Mr. President. I rise in support of the indefinitely postpone motion and in opposition to LB335. That being said, I do appreciate Senator Krist's amendment and I do think it gets us closer to where we need to be if LB335 is to pass. What I wanted to draw your attention to is the fiscal note, the revised fiscal note, because what's really important to know is that if we lower these rates and if they go lower than 50 percent, it's going to be hard for us to recover to a point where we can meet our federal standards. So like I was talking about yesterday, on October 1 of 2018, we will have to meet an access requirement. We will have to prove that every child in the state of Nebraska who is eligible for this subsidy can access this subsidy through a child care provider. Now, in an e-mail from the Kansas City regional manager of the state child care development fund, they indicated that the plan is unlikely to be approved if rates are held flat at the 60th percentile, based on the 2015 market rate survey. If that plan is not approved, the state would not receive \$30 million in federal funds. Now, we would be having a different conversation if the language of the statute froze the rates at 60 percent. It does not do that. It says we can ignore the 2017 market rate survey. All we're saying is that there's a floor for that. We can get a better fiscal note with the Krist amendment. But we also need to bear in mind that I won't be here in four years, right, and I'm looking at the freshmen because you all will be and you will have to decide whether or not you want children in the state to have the child care subsidy at all if we're going to lose the \$30 million because we let the market rate go so low. And

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so that's sort of a consideration more for the freshmen than for me because presumably you will all be here. But philosophically, I am adamantly opposed to this bill. But the Krist amendment helps us so that we're not robbing Peter to pay Paul in future years, so that we're not looking at having to eliminate this program entirely because we can't afford it because we're not getting the federal funding. We never want to lose child care providers because we're not paying them enough. And we certainly don't want to lose child care providers because we made a decision now to fill a budget hole that hits us considerably more later. With that, I support the indefinitely postpone motion, although a bracket motion until mid-May would also be appropriate so that we could know that it wouldn't come back until we had the market rate survey. The 2011 agreement that brought us down to the 50th percentile with Governor Heineman and Senator Campbell, we didn't have the onus of the access issue at that point. We didn't have those new federal regulations. And so this 50th percentile may still not be workable for the federal government. It may still not reach our access requirement. But it's worth a shot if we really do need to fill our budget hole to bring us down to the 50th percentile so that we can make some better strides. So thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Howard. Senator Chambers, you're recognized. This is your third opportunity, Senator. [LB335]

SENATOR CHAMBERS: Thank you, Mr. President. I notice that my colleagues will respond to others. Why don't you all respond to me? Jesus is more important than anything else. You don't respond to what I said because your heart condemns you. You know better than to do the kind of things you're doing and that's why I try to make this appeal to you. If I thought you all were literal blocks of salt or stone, I'd be a fool to talk to you. I don't have the power to turn a woman into a block of salt nor to turn a block of salt into a woman. So I'd be a fool to talk to a block of salt as though it's a human being and can respond. I'd like to ask Senator Bolz a question if she's here because she...no, I'll ask Senator Stinner. I see him here. He's the Chairperson of the Appropriations Committee. [LB335]

PRESIDENT FOLEY: Senator Stinner, would you yield, please? [LB335]

SENATOR STINNER: Yes, I will. [LB335]

SENATOR CHAMBERS: Senator Stinner, roughly how many agencies are going to be affected by cuts in order to address the budget shortfall or deficit or whatever you want to call it? [LB335]

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SENATOR STINNER: We have, I think, 78 agencies that we've looked at. I would hazard a guess on this, probably 60 to 70 agencies will be hit in some fashion either with a lapse, a reappropriation, or a cut. [LB335]

SENATOR CHAMBERS: Thank you. Members of the Legislature, how much is 60 into \$7 million? If you would spread this amount of money in terms of cuts over those 60-something agencies, not one of them would be affected that much. But if you take the full amount from this program, it will be devastating. But you all don't think like that because you don't care about poor people. You don't say, where can we get a nickel here, a crumb there, a slice of bread, a slice of cheese, a half a quart of milk. That's the way poor people determine what they're going to eat. Why do you think they eat a lot of beans? They know starches are not healthful. You can get a lot of beans for a relatively small amount of money. When you throw them in the water, they swell up. Spaghetti swells up. Macaroni swells up. All the things that will give you a lot of volume are generally not wholesome or healthful. But if you've got children, what you're trying to stave off is that immediate hunger, that growling in the belly, and bad health is farther down the line. But if they cannot survive until farther down the line, what difference does any of that make? They live today. Jesus told you all take no thought for tomorrow. Sufficient unto this day is the evil thereof. It's enough to try to make it through this day if you're poor. You all can't go a whole day down here without eating, so you have the lobbyists to feed you. The lobbyists feed you and you won't feed the hungry children in this state when you leach and sponge and mooch off the lobbyists. You ought to be ashamed of yourselves, but you're not because you have no shame. You know what Jesus said? You know why I'm doing like this? I'm trying to keep these stones from taking on the ability to speak because if when they started speaking they might lose the strength to be supportive structures to hold up those balconies and these ceilings and to stay in their places on these walls. You know Jesus said? If these people do not speak, the stones will rise up and speak. I'm keeping the stones from speaking out against you all. You know the way the stones speak? Not with a voice like mine but by making contact with your hard heads, so the stones would fall out of the walls on your heads and you say, oh, Lord, if only I knew. You know. You know very well what I'm talking about. You know it... [LB335]

PRESIDENT FOLEY: One minute. [LB335]

SENATOR CHAMBERS: ...better than I do because you go to church all the time. You listen to this BS, and that's what it is. You know why I know it's BS? Because you say you believe it and you don't care about it. I hear Senator Brasch often talk about how much good farmers do for everybody else so they need to be taken care of. Well, how about these people who provide child care services, don't they count? She'll talk about give the farmers and the ranchers some relief. What about those who take care of the children? You don't listen to children cry because they're hungry. If your child cries, it's not from hunger. You don't even know what the cry of a hungry child is. They can hardly get it out. Sometimes it's like a whimper. Sometimes it's like the

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mewing of a kitten. You all don't care. Why don't you spread this among these other agencies and take a little from all of them instead of a lot from this one which cannot afford to give it up?
[LB335]

PRESIDENT FOLEY: Time, Senator. [LB335]

SENATOR CHAMBERS: You said time? [LB335]

PRESIDENT FOLEY: Yes, sir. [LB335]

SENATOR CHAMBERS: Thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Schumacher, you're recognized.
[LB335]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Two points I want to make in this five minutes if I can get them out, the first is we heard a bill in Revenue Committee not so long ago in which it was suggested we throttle back on expenditures on roads until we get through some of this problem that we have which we may never get through. And the folks from the roads industry made a very good point, and that was, you know, to build a road is a long process. You start out with a traffic count and determine where you need it and you go through the acquisition of land and you go through contracting. You go through construction. And if you stop anywhere along that line and pause for a budgetary reason, you may have to do quite a bit of it over again and it's going to cost you a lot more money, so don't touch roads. Okay, how is a kid different? We can't just put the kid in a freezer and say, well, you're going to stay there until we can afford...we get to the other side of the rainbow and we're rich again and we can afford to pick up with the kid. The kid goes through the system. And it gets a lot more expensive if you don't take care of each step of the system. What about this money? This is all kind of funny a little bit, because we're talking about a few million dollars here. But there is a bill that will be heard in Revenue today that goes through and looks at a lot of the perks in the system. I'll bet you most of these things do not get past the hearing. But there is this one cute little perk, \$20.8 million; 88 percent of this little perk goes to folks with an adjusted gross income of over \$500,000 a year. That's 88 percent. And 80 percent of those folks have an adjusted gross income in excess of a \$1 million a year. How about perk number two here that we're going to just kind of ignore because it's for our favorite people: \$84 million. And this little perk, well, 85 percent of that exclusion goes to folks with income in excess of \$1 million a year--only 100 returns--and 60 percent of that perk goes to taxpayers with adjusted gross income in excess of \$5 million a year. And yet the object of the Revenue Committee is going to be revenue neutral. We don't want to bring in any more money. What we want to do is nickel and dime these

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kind of programs forcing the Appropriations Committee into a position where they got to do a job, they got to make the darn thing balance. And so they put the screws to every little area, try every little budgetary gimmick possible to get us to the other side of the rainbow which might not be there. I don't know how we get a handle on this. But I know from a policy perspective we're not doing our job and we're taking the easy way out, which is fine with me. There is enough money in the cash reserve to get us...me out of here, but it won't get you to the other side of the rainbow. There is some tough, tough decisions that have to be made in this state and it's got to be made sometimes with a fundamental rethinking of what we're all about. We're a small state...a large area state with a small population that's loaded with the world's most precious resource. Good land that produces the greatest food ever with plenty of water underneath it. Why shouldn't we all be loaded with money? My goodness, huge wealth divided by few people, everybody should be rich. [LB335]

PRESIDENT FOLEY: One minute. [LB335]

SENATOR SCHUMACHER: What's wrong with the way we do things? And the answer to that question, if it doesn't come out of this room isn't going to come out of anywhere because any other room in this Capitol building is so subject to the political gamesmanship and wanting to move on to the next level that it's incapable of doing what's right. Thank you. [LB335]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Riepe, you're recognized. [LB335]

SENATOR RIEPE: Mr. President, colleagues, I thank you for this opportunity. I could go on and talk and talk like others have in terms of either the merits or the concerns or why the...not cuts, I would reinforce not cuts but the containment, cost freezing...not freezing, I take that back. The cost avoidance of particular...this particular legislation of LB335. What I want to do is I want to focus and reinforce and echo the comments of Senator Krist. We have an understanding that we will wait for Select when we will have an opportunity to see what rate surveys come in at. So I think that that's a statement that reinforces what we can and should do. We also...and Senator Bolz had talked about this is a cost avoidance. And I want to reemphasize that. It's not a cost cut. It's a cost avoidance. With that, approval of LB335 is essential to keeping our house in order. I am asking you to vote no on the IPP motion and to vote yes on LB335. Thank you. [LB335]

PRESIDENT FOLEY: Mr. Clerk for an announcement. [LB335]

CLERK: Mr. President, the Revenue Committee will have an Executive Session at 10:00 in Room 2022. [LB335]

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PRESIDENT FOLEY: Thank you, Mr. Clerk. (Visitors introduced.) Continuing debate. Senator Wishart. [LB335]

SENATOR WISHART: Thank you, Mr. President. Colleagues, I rise with deep concern about the direction we're moving in terms of cutting dollars that go to support some of the most vulnerable children in this state. When we think about resources, when we're talking about poverty and economic instability, a lot of times we focus on money, whether somebody doesn't have enough money. But when we think about poverty and economic instability, we really need to think more broadly about the resources that somebody has available to them. Somebody who doesn't have a lot of money but has a very supportive family, a family who's close by and can watch their children during the day while they work, those are resources that they have, that may make it so that even though they don't have a lot of money, they're not economically unstable. When I think about child care and making sure that we have affordable child care in this state, the person...the face that comes to mind who benefits the most from this and who I would argue in most of our district is the face of poverty is the single mom. And this resource for her when she may not have even a partner to help her in raising her child and how brave she is to still take the responsibility of raising a human being through this world, I don't feel comfortable at all reducing resources for somebody that brave, for the single moms in the state. And that is why I am deeply concerned with the decisions we're making with this piece of legislation. I understand that we're in a tough budget cycle, but I came here and was elected here to make some really tough decisions and to understand the human impact of those decisions that we're making. And so with that, I will yield the rest of my time to Senator Chambers. [LB335]

PRESIDENT FOLEY: Thank you, Senator Wishart. Senator Chambers, 2:15 seconds. [LB335]

SENATOR CHAMBERS: Thank you, Mr. President, thank you, Senator "Wise-heart." And that word really applies. I have something I want to read to my Catholic brothers and sisters. Why do I call you my brothers and sisters? Not because I'm a Catholic, but you're human beings, misguided a lot of times, and sometimes well-guided, but you won't follow it. This is signed by a nun, Sister Joan, I'm going to spell her last name, C-h-i-t-t-i-s-t-e-r. It's headed, Catholic Democrats of Nebraska, advocates for social justice among Catholic voters and legislators. Quote, I do not believe that just opposing abortion makes you pro-life. In fact, I think in many cases, your morality is deeply lacking if all you want is a child born, but not a child fed, not a child educated, not a child housed. And why would I think that you don't? Because you don't want any tax money to go there. That's not pro-life. That's pro-birth. We need a much broader conversation on what the morality of pro-life is, unquote. That's one of yours. [LB335]

PRESIDENT FOLEY: One minute. [LB335]

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SENATOR CHAMBERS: That's what one of yours said. You're not going to listen to me and you won't listen to her either because she serves Jesus and if you won't listen to the one she serves, you're not going to listen to her. And Jesus was right. He said you all wouldn't believe if somebody came back from the dead. Did you say time? [LB335]

PRESIDENT FOLEY: No, you still have a half-minute, Senator. [LB335]

SENATOR CHAMBERS: Thank you. Well, if you all...(microphone malfunction)...you all believe Jesus died and came back from the dead, don't you? So he told the truth. You don't believe, though one come back from the dead. He came back from the dead to tell you and you disbelieved. That's why he let you know he's telling the truth. And I'm going to preach to you all some more before we're through this morning, but I won't take it all the way to cloture. [LB335]

PRESIDENT FOLEY: Thank you, Senator Chambers. Speaker Scheer, you're recognized. [LB335]

SPEAKER SCHEER: Thank you, Mr. President. Very briefly for those that are on the floor, Senator Krist had acknowledged a conversation that he and I had had in relationship to holding the bill until we find the information out. And so I would encourage us to move forward with this bill. We will wait until we get a definitive answer back from both sources so that we know exactly what we're working for. I'm not interested in moving a bill forward that we don't know. That happens more in Washington than here. So please rest assured that Senator Krist is correct and was correct when he stated that we have an agreement. This bill is not going to go anywhere until we find out exactly the consequences or unintended consequences of the amendment that we passed yesterday. But we had to pass it in order to get a new fiscal note. And without that, we really don't know what we would be doing. So please vote red on the IPP motion and please let's go ahead and vote on LB335 and move it forward so that we can get that additional information in order to have a final conversation on it. Thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Morfeld, you're recognized. [LB335]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I've handed out a letter that's been signed by I believe over 30 different early childhood care and education providers in the state of Nebraska urging you to oppose LB335. I encourage you to read some of those. They're from districts across the state. In addition, as a member of the Education and Judiciary Committee, we often talk about how do make it so that we stop this pipeline from early childhood to prison? How do we do that? We do that by making investments early and not cutting corners which is something we consistently do time after time in this state, which is what's led to us investing more in prisons this year in terms of additional funding to an agency

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than any other in our state. There's a bill up today, I believe it's Senator Schumacher's bill and he can correct me if I'm wrong, but LB373. And just to give you an example of how we treat our working Nebraskans as opposed to our richest Nebraskans, LB373 would repeal the out-of-state S corp LLC exclusion. And that costs the state, I believe, an estimated \$84 million in 2016 alone. And this has been on the books I believe since the late eighties. And from that exclusion, 90 families making over \$5 million each which takes up 60 percent of that exclusion received a tax cut subsidy of \$34.9 million in one year. That's \$388,000 per family from that one exclusion for families making over \$5 million a year. I highly doubt that this body is going to get rid of that exclusion this year, even though we'd probably bring in around \$84 million. That's a lot of child care for working families, a lot of people need that so they can go to work, a lot of people that need that so they can pay taxes. Colleagues, we consistently invest in our roads, in our infrastructure, but we fail to invest in the families that build them and I'm sick and tired of it, whether it be through expanding Medicaid or whether it be through providing the basic minimum for working families so that they can go to work and pay taxes. It's absurd. I will support Senator Chambers' motion and I will oppose LB335 all the way. Thank you. [LB335]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Harr, you're recognized. [LB335]

SENATOR HARR: Thank you, Mr. President. Members of the body, thank you. Is Senator Riepe available for some questions? [LB335]

PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB335]

SENATOR RIEPE: Yes, I will. [LB335]

SENATOR HARR: Thank you. Senator Riepe, and I apologize I didn't talk to you before, but let me ask you a question. What is the income level to qualify for the full benefit for, let's say, a single mother with two children? [LB335]

SENATOR RIEPE: I don't have that exact number, but I can assure you this is a good program and the intent of this program is to support low-income families. [LB335]

SENATOR HARR: Okay. What is it for a family of four with two breadwinners and two children? [LB335]

SENATOR RIEPE: Not having any advanced notice, I don't have those numbers at my fingertips. [LB335]

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SENATOR HARR: Okay. Can you give me an approximate number? [LB335]

SENATOR RIEPE: Well, one's less, one's more. Is that close enough? [LB335]

SENATOR HARR: Okay, thank you. Folks, do you hear that? I can't believe that. We have a bill that's going to cut the working poor, and we don't even know who they are or what that dollar amount is? How can we make a decision when the introducer of the bill doesn't even know who these people are, who we're hurting, how we're hurting them? This is irresponsible lawmaking. I get it we're in a budget crisis. But the question is, who do you cut first? Is it this program where we all say, you know, we've got to help the working poor, we've got to incentivize the working poor because the only way they're going to get up the next rung up on the ladder and go from being an economic liability to the state to an economic asset is to have a job and to do well at that job. You do well at your job and you will be promoted. I heard the argument about we shouldn't raise the minimum wage because, gosh darn it, we don't want people in those, we want them to have a job, we want them to grow. But you've got to start somewhere, folks. That's what this is. This is our working poor. We're taking them off the dole, putting them to work, and saying you do a good job, hey, we want you to work. We're going to help you a little bit. We're going to take a little of the burden off of you. We'll take care of some of this child care. And you will now know you have good child care because you take away these subsidies and I can tell you what kind of child care facilities they're going to have. It's not going to be as good as they are now. And then they're going to be worried. And when they're worried about their kids, they aren't focused on their jobs. When they're not focused on their jobs, they don't get promotions, they might even get fired. And then what happens? Bloop...back to the bottom, start over. It's a game of chutes and ladders. Remember that as a kid? We're just putting them on the ladder...we're trying to put them on a ladder, and instead we're putting them on a slide. I get that we have a budget crisis. I get that this freezes the amount that they receive. And that's good, it's not a cut. Well, let me ask. Senator Stinner, would you yield to a question? [LB335]

PRESIDENT FOLEY: Senator Stinner, would you yield, please? [LB335]

SENATOR STINNER: Yes, I will. [LB335]

SENATOR HARR: Thank you, Senator. And it's my understanding that LB335 creates a floor, right, that we won't cut the reimbursement, it just won't grow for two years, is that correct? [LB335]

SENATOR STINNER: You know, I talked to the department and they have no intention of lowering provider rates that they're paying today. This is really kind of a freeze for one year. We

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need to get that study that Senator Riepe has talked about, Senator Krist, so that we can make an informed decision about what the next part of the biennium looks like. [LB335]

PRESIDENT FOLEY: One minute. [LB335]

SENATOR HARR: Okay. So let me clarify this. If it's...let's say this year we service 10,000 kiddos. If next year we service 11,000 kiddos, is it the reimbursement per kid that stays the same or is it the total amount spent that remains the same? [LB335]

SENATOR STINNER: I think we go through that calculation or at least Fiscal does, to try to project how many people utilization will be and where that reimbursement needs to be, and it's a little bit of a guess or an estimate for the next biennium. But everybody would be entitled, if they hit those limits, to get reimbursed. [LB335]

SENATOR HARR: So if I'm being reimbursed...if I am receiving a working-poor, 60 percent this year, it will drop to 55 percent, but the provider will receive the same amount no matter how many kids are or are not in the program? [LB335]

SENATOR STINNER: It will be the same amount that you normally would have paid this year for next year. [LB335]

SENATOR HARR: Okay. Thank you, Mr. Appropriations Chair. I might hit my light one more time, but thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Harr and Senator Riepe and Senator Stinner. Senator Pansing Brooks, you're recognized. [LB335]

SENATOR PANSING BROOKS: Thank you, Mr. President. I just rise to say once again that we need to increase child care funding, not decrease it. Again, it's sort of the "let them eat cake" method of working on a budget. It's...let them eat cake is attributed, erroneously, I guess, to Marie Antoinette. And when the poor people were rising up and saying we don't have enough money for bread, we can't take care of ourselves, we can't eat. The quote that she's famously supposed to have said is, well, if they don't have any bread, let them eat cake, a total disregard and lack of understanding for the struggles of people who are poor. A family of three earning \$26,000 is part of what we're talking about--\$26,000. Right now in Nebraska, an infant costs over \$9,000 a year to put into child care, and a 4-year-old costs almost \$8,000 a year. Think of that. So, again, as I mentioned yesterday, we have a problem with work force development. That's our number one issue of the Chamber--having enough people. But if somebody has three

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children and is making \$26,000, who is going to work? Which one of you would work if that were all you could bring home? And now we're going to cut the child care instead of increasing it. Again, Senator Schumacher said let's cut all these exemptions that we've given out over the years to all the wealthy people. I think we should all rise up and say I'm willing to take my fair share of that. I am. Aren't you? Again, we talk about wanting children and making sure that people have children, and then the minute...I don't know at what point the child becomes guilty and worthless. What point is that? At what point do we finally say, oh, well, you had that child. You're having too many. We're not going to pay for it. We don't care if you want to work and pay for...pay for the child care or the food subsidies. We look down with disdain at people like that. I know that because I hear it. I've heard it from some of you. Get a job. Get out there. Pull yourselves up by the bootstraps. Get moving. Right now in Lincoln, there is 3.6 percent unemployment--3.6 percent. So that means people are working. The people left are people with disabilities of that 3.6 percent. We've got...I went door to door in this district where we're standing right now, and people are working. They're working two and three jobs. And they need help with their child care. Otherwise we're saying to them, stay home, stay home and live off the state. What kind of cost differential are we looking at then? Again, we have places to cut. We have exemptions that we can definitely look at. [LB335]

PRESIDENT FOLEY: One minute. [LB335]

SENATOR PANSING BROOKS: Or we can continue with our cronyism and our ability to take care of our friends and, gee, it's too bad. If those people had only gotten a proper education. Or, oh, if they had only really worked hard and set their mind to it then they would be able to feed their children and put them in daycare. Again, let them eat cake. Thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Hilgers, you're recognized. [LB335]

SENATOR HILGERS: Thank you, Mr. President. Good morning, colleagues. I rise in support of LB335, and I'm going to explain why, but I do want to address some of the comments regarding whether some individuals who support the bill also are against child care for families. And as a father of three young girls, I live with the notion of making sure we got to have child care for our kids every day. And I represent a district that has a lot of young families and a lot of single mothers and I've met a lot of those individuals. They're very...in my view, they're heroic, parents with young children. They perform an incredibly important role in our society. And the burdens, both financial and time, stretch them more and more every year. So I think child care is incredibly important. We've heard Senator Krist discuss the link between child care and economic...being able to hold a job and build for the future for their families. And I think all of

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that is undeniably true, undeniably true. At the same time, I think the question here that we're faced with is somewhat premature, because we have a budget that we will have to deal with in a couple of weeks. And right now, the Appropriations Committee is looking at where we would need to make potential cuts in a very difficult year across a wide spectrum of very important programs. I've sat in this body for 52 days now and I've heard on a number of occasions individuals speak about the importance of a variety of programs that we fund, from justice reinvestment to providing funds...appropriate reimbursement for healthcare providers in HHS, all of which are very important. At some point, this body will be faced with the challenge of having to weigh the various priorities that we have. And when we have that opportunity to look at it in a holistic manner, we'll then be able to decide whether or not...how we value different priorities and what will be funded, and among those will be the child care payments that we're discussing today. But as I understand the Appropriations process, if we are to kill LB335, we will tie our hands in a couple weeks from being able to make that decision, because that funding mechanism is baked into statute. And the vehicle to change that is LB335. So in three weeks or four weeks when we start to review the budget and we start to make this analysis, if we want to...if we are forced with deciding between child care and some other priority that we ultimately determine is more important, whatever that might be, we will not have the vehicle to make the cuts that we need to cut. If in the future we decide that child care is the priority that we want to fully fund, then we'll be able to make that decision. But if we kill LB335 now, we will tie our hands in a couple of months. And so, in my view, it's premature because as an individual senator, I would like to see the entire budget proposal and understand the impacts of the proposed budgets across every program in state government, not just this particular program which I concede and undeniably acknowledge is of critical importance to families, lower income families across this state. So I rise in support of LB335, acknowledging the important points made by my colleagues regarding the importance of child care, but also acknowledging the procedure...the part of the procedure in which we currently stand, which is not at the point where we will see the entire budget. And at that point we'll be able to make those value judgments and make the priorities of this body, we'll be able to work through those priorities. So with that, I urge my colleagues to vote LB335 so we can continue this discussion and not tie our hands. And I'd urge a green vote on that bill. Thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Morfeld, you're recognized. This is your third opportunity. [LB335]

SENATOR MORFELD: Thank you, Mr. President. And I appreciate Senator Hilgers' remarks and several others. That being said, I think that as we start to make these policy decisions, it makes it easier for us to make these types of cuts by advancing these policies which, in my opinion, we should all know is wrong--the wrong course for our state, and ensuring that our state can get out of what can only be really called is a recession, and ensuring that we have the revenue and the work force that can work in order to do so. I think it's also important, as we're

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starting to point out statistics and making some of these value judgments, as Senator Hilgers suggested, is that the jobs that we incent under the Nebraska Advantage Act which incent jobs that are at 60 percent of the average household income, actually qualify for this program. So the jobs that we are incenting, companies that are taking these large tax breaks are paying people low enough wages to qualify for this program that we're also going to cut. It doesn't make any sense. This is bad policy. It's bad policy that doesn't deserve a second round of debate and should be killed now. And while I appreciate Senator Hilgers' comments and other colleagues' comments about the importance of child care, I was raised that actions speak louder than words. And I hear a lot of words on this floor about caring about working families, about ensuring that Nebraskans are successful, about recruiting and attracting young Nebraskans and retaining them and keeping them here, but I see very little action on it. I see very little action, except for the actions that result in the reverse, results in working families not being able to work, and young Nebraskans not wanting to stay here, whether it be through our social policy, our civil rights protections, or our economic policy. Actions speak louder than words. So I'm keeping track, as colleagues get up and stand and talk about how important working families are, how important affordable healthcare is, how important recruiting and retaining young Nebraskans are, I'm going to get up and I'm going to start calling people out based on their votes and based on their actions, not their words. Thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Quick, you're recognized. [LB335]

SENATOR QUICK: Thank you, Mr. President. You know, when I ran for this spot, for the Legislature, I came here to represent and be a voice for working families. As I knocked doors and talked to them about issues that were going to affect them, this is one of the issues that we discussed at the door, child care, and what it costs, and how it affects their budget and whether they can choose to have their job or not, whether child care is more expensive than...that's too expensive and they can't afford to keep their jobs. You know, I appreciate it. All of us have children...or I'd say the majority of us do and we paid for child care. But until you've walked in the shoes of someone who actually lives in that situation, I don't know that we can truly appreciate that. I know my own children struggle from time to time with...they use a lot of family members for daycare because they can't afford regular daycare. My son in Omaha, he has to rely daycare. But my son in Grand Island, he uses family members to pay for...help with some of the daycare. And I don't know that they could afford it with the job that he has, and it's actually a good job in Grand Island. But it still doesn't pay quite enough. He's got three kids. It helps when they end up going to school, but when they're young and they're not in school yet, it was a pretty big struggle for them. I also want to make sure that we don't create a situation where we have consequences down the road, end up forcing people out of jobs because they can't afford to work and pay for daycare, and then we have them on welfare. I think that's going to create costs for us in the long run. I guess...I understand the need for cuts, but I don't know that this is one of the ones that we should be cutting. If we need to look at the numbers, I think instead of doing it the

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way we're doing, I think bracket it until we can get the numbers so we can actually see it. I don't know all the rules and how they work yet, but voting for it now and moving it forward, it kind of scares me a little bit, because what happens the next step? So, I would be in favor of bracketing it until we could find the numbers to better make a...to make a better judgment on all this. So with that, thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Quick. Senator Wishart, you're recognized. [LB335]

SENATOR WISHART: Thank you, Mr. President. Before we vote on this and before I vote on everything, I really try to get the human impact of the decisions that we're making. And for this bill especially, there is one little face that I'm thinking about who will be directly affected by this bill. Three years ago my husband and I had the fortune to foster a five-month-old beautiful little baby for three months and he was a joy. And his mom was young. She was younger than 20. She got her life together. She's so brave. And she is now raising two little ones on her own as a single mom. Our little one would...and her little one would qualify for this program. And I cannot sit here and vote to reduce the services that will support the single mom and her children while she is so brave to be raising these children on her own and working and making a life for her family. And so I just really hope that people will think about the impact of these decisions that we're making on the most vulnerable people in our community. Thank you. [LB335]

PRESIDENT FOLEY: Thank you, Senator Wishart. Senator Chambers, you're recognized to close on MO65. [LB335]

SENATOR CHAMBERS: Thank you. Mr. President, I may offer one more motion, which I will not even take to a vote, if I don't finish saying what I want to say. Senator Hilgers made a good point about wanting to look at the entire budget. Going that far alone, I have no quarrel with it. But if the participants in a combat will be the elephants, the rhinoceroses, the hippopotamuses, the cape buffaloes, then the crayfish should not even be on that battlefield. This program should not even be in the running to be cut. They can call it holding steady where they are, but you all know that in this society there are certain jobs that you hold, certain government programs that have automatic stairstep increases. So if you stand still, people can say you're not losing anything. All these matters are relative. If you stand still and everybody else moves, you fall farther behind without making a move yourself one way or the other. So when everything else is moving forward and these who need it the most are going to stand still and can even retrograde based on the wording of this bill from where they are now, it's a double whammy. They should not be on the chopping block at all. I continue to think about, and I've mentioned several times, the reading between Senator Pansing Brooks and Senator Brewer dealing with the trial or the legal proceeding involving Chief Standing Bear and the conclusion was that Chief Standing Bear said he was a man and people accepted it. The children lack a voice. But if they had a voice, they

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would sit here and listen to all that we're saying. We haven't talked about the subsidy of a nickel per gallon they want to give to ethanol. For the rich people who have ethanol plants, you'll give that. And you know what the children would say after all is said and done? We are people too. And you wouldn't hear them. You would not heed them. They don't count. So maybe what you need to do is read Jonathan Swift's tract called A Modest Proposal where the children were to be used as food for the wealthy. And he described the different methods that could be used to cook them. And these happened to be Irish children, too many of them, too costly, too expensive. So reduce the number of children in the families--that's a benefit for them--and provide a new source of exotic food for the wealthy so they're benefited too. And in this Legislature, you all are worse than the ones that Jonathan Swift in his satire was talking about. These are your children and you don't care. Senator Walz was the one who was doing the honors, or whatever you called them, this morning in place of a preacher. And she said a king was sent down here. I didn't know if she meant Martin Luther King because he's dead, so he has no power. So she must mean this Jesus that I've talked about. And Pilate once wrote a superscription that would be on the cross that said king of the Jews. And you know what the Jews said? Don't say he's our king; say he says he's our king. And Pilate said what I've written, I have written. What Senator Walz said, she has said and I heard not one person stand on this floor to contradict it. [LB335]

PRESIDENT FOLEY: One minute. [LB335]

SENATOR CHAMBERS: A king was sent down here and died for you all and told you how much the little children mean to him. And you say you can take Jesus and he can take himself and the little children and go to hell. We're not going to do anything for them. But for the rich people, they're the ones who will be looked after by this Legislature. You ought to be ashamed of yourselves, especially if you have children. But you can take care of your children. I don't know that Senator Hilgers' children will ever cry in hunger. I don't know who on this floor has children who would cry because they're hungry. But there are people in this state who have children who may cry every day. And you all talk about this in bloodless terms of numbers. And that should not be. [LB335]

PRESIDENT FOLEY: Time, Senator. [LB335]

SENATOR CHAMBERS: Thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Members, the question for the body is the adoption of the IPP motion. All those...Senator Chambers? There's been a request for a call of the house. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB335]

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CLERK: 22 ayes 4 nays, Mr. President, to place the house under call. [LB335]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Watermeier, Murante, Schumacher, Friesen, Linehan, Groene, the house is under call. Senator Harr, could you check in. Senator McCollister, could you check in. Senator Groene, the house is under call. Please return to the Chamber. All members are now present. Mr. Clerk, there's been a request for a roll call vote. Please call the roll. The question before the body is the adoption of the IPP motion. [LB335]

CLERK: (Roll call vote taken, Legislative Journal page 785.) 3 ayes, 34 nays, Mr. President, on the motion. [LB335]

PRESIDENT FOLEY: Thank you, Mr. Clerk. The motion is not adopted. I raise the call. Mr. Clerk. [LB335]

CLERK: Senator Chambers would move to reconsider that vote, Mr. President. [LB335]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your reconsideration motion. [LB335]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I haven't quite finished what I want to say. I offered this motion. I will pull it. After the motion is made, after an amendment is offered, and either or both be defeated, the bill would be before us, and there would be the opportunity to discuss the motion to advance it. What I would expect to happen, if I didn't offer this motion, is somebody to call the question. I would not get a chance to say what I want to say. So I have to make sure that the time that I need is provided by me. I've been talking about religion this morning. You ignore everything I say anyway, so I want you to ignore what I say about what you claim to believe. You all know that the "Bible" talks about the way a twig is bent so the tree will grow. Train up a child in the way he should grow, and when he is old, it will not soon depart from him. Those are biblical injunctions. You don't believe them, you don't practice them. Somebody was asking what the duty is that a person has toward this God that you all say you all believe in. How can you do the right thing? Now I may be paraphrasing, but it seems that I read somewhere in that thick "Bible," do justice, love mercy, walk humbly with thy God. What is justice that you ought to love? Justice is granting to a person his or her due. That to which a person is entitled constitutes justice. So where does this love mercy come in? Sometimes the words of the law, if we're talking about justice under the law, is too harsh, even though that particular law would apply to an individual who had violated it. Well, the judge, the court, is

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allowed to extend mercy, to extend mercy, to prevent the full weight of the law coming to bear on this individual who although culpable for having broken the law, does not merit the full weight of the law so mercy is granted. And also that brings you to another one of these injunctions: As you would that others do to you, do to them likewise. If you were similarly situated and had blundered and you broke the law but there would not be full culpability, you would want that extension of mercy, so give it to somebody else. What about this walking humbly with your God? That doesn't mean your shoulders are slumped, your back is bent, your head is down, you swallow spit. Humility is not shown by a manifestation of weakness. Humility of the proper kind, humility properly understood means that you accept the responsibilities that you are in a position to assume and carry out. You accept it, and you fulfill your duty. That's how you walk humbly with this God you all say you believe. Obviously you don't believe it. You don't believe in any of those things. You don't believe in justice, you don't believe in extending mercy. Now, if it comes to justice and you can hurt somebody, you will do that to the Nth degree. But when it comes to these children, to the people trying to rear the children, it's an entirely different matter. When these other bills come before us, I'm not going to be persuaded to leave them alone. I don't have any sympathy for anybody who is rich. Is every rich person wicked? Probably. Maybe not. But for Jesus...and you all think so much of him, and I respect some of you. I don't know whether there is a Jesus or not. You said there is. And although you don't follow him, I'll take your word for it, at least that there is one, even though you don't do what he tells you to do. He said, and I repeat, it's easier for a camel to go through the eye of a needle than for a rich man to go into heaven. He didn't say some rich men, a rich man--all of them. So every rich man is wicked. Look at your Governor over there. He's not rich. He's the son of a rich man. So all of them are wicked. But they've got plenty to take care of all their needs. The "Bibble" said, why do the wicked grow old and prosper? Now I qualify for the first part, growing old. But the prospering, that's a different kettle of fish. Now, this bill can move forward, and it will, not because of any considerations of justice, but because the Governor cracked the whip. I'm going to vote against the bill. I will oppose the bill no matter at what stage of debate. But because there are activities underway on this bill by people who probably are deceived but they mean well, they can have that opportunity. Even if I took it to cloture, you'd get enough votes to cut off debate and move it. So I'm going to let you move it without going through all of that. In fact, there's a blockage in the system. Senator "Wise-heart," I'm going to serve the role of Ex-Lax when I get through speaking, because I'm going to get things moving. I can stop things here. But I cannot stop everything for the entire session. But whatever it makes me, and whatever attitude it causes you to adopt toward me, they are nothing. They are as nothing. If everybody were 100 percent angry with me today, what difference does it make? I don't feel any pain. But you do, because that anger is going to have a negative effect on your health. Maybe I should make you hate me, because hate kills the hater. And maybe if I could antagonize you enough, I'd be looking around here Monday, Senator Kuehn falls over dead. Tuesday, Senator Watermeier croaks. Wednesday--I don't want to leave the ladies out--Senator Albrecht gives up the ghost. Thursday, "Brother" Bostelman shuffles off the mortal coil. Then, after enough days have passed,

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it would be like when Jesus was transfigured. There stood nobody but Jesus only. But it will be Jesus and me because I don't hate you, you don't rise to that level of importance for me. You all say God hates sin but loves the sinner. You hate the one you call a sinner. And one is called a sinner because he or she acts contrary to what you think is the way for that person to act. I would call you sinners because you're willing to hurt the children. You're willing to hurt the parents. And Jesus said by your words you'll be justified, by your words you'll be condemned. Where are you going to be justified, where are you going to be condemned? You all say a day is coming when you're going to be judged. You're going to be put in a scale and you're going to be weighed. And you better hope it doesn't come out like it did that guy named Nebuchadnezzar. Thou art weighed in the balance and found wanting. You don't measure up. You had every opportunity. You prayed all these mornings. You uttered all those fine words, so your words condemn you. You knew, and you didn't do the right thing. And if I'm going to stand in the sandals of Jesus by quoting, he said he who knew his master's will and did it not shall be beaten with many stripes. [LB335]

PRESIDENT FOLEY: One minute. [LB335]

SENATOR CHAMBERS: That means you're going to get a lashing. You know your master's will, because you say it up there every morning, and you do it not. If you thought somebody was going to beat you with a bull whip if you walked out those doors, you wouldn't walk out those doors, so obviously you don't believe what Jesus said, so you say Jesus is a liar. You believe in him. You say he's a liar. Why should I think he tells the truth? I can only judge him by those who say they believe in him, conduct themselves with reference to what he said. So maybe all these fine-sounding things he says are the ravings of a madman. I've got to do some meditating on that. Mr. President, having said what I wanted to on this motion, I withdraw it. [LB335]

PRESIDENT FOLEY: Without objection, the reconsideration motion is withdrawn. Returning now to debate on LB335, Senator Walz, you're recognized. [LB335]

SENATOR WALZ: Thank you, Mr. President. This is the first time I've gotten up to speak about this bill, and the more I listen to this, the more discouraged I get, the more troubled I am, the more concerned I am. We are asking that young women make decisions, make moral decisions to protect life, yet we turn our backs on the very same young women who make the choice to bring a life into this world. We want to walk away and not support life or these families, knowing full well, knowing full well that if they bring this life into the world, they're going to need our support. My question to all of you is, do you really think that Nebraskans would support this idea? I don't think so. In fact, I think most Nebraskans, knowing the full impact of this bill, would be disgusted. I think that most Nebraskans would be in favor of changes that would add revenue to our budget to support these families. I think most Nebraskans would agree that it

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makes sense to support families, allow them to work, and allow them to raise their families in the best way that they could. I have faith in our Nebraskans who are relying on us to make good decisions to support families who live here. Thank you. [LB335]

PRESIDENT FOLEY: Thank you, Senator Walz. (Visitors introduced.) Continuing debate, Senator Chambers. [LB335]

SENATOR WALZ: Thank you. Mr. President, members of the Legislature, this is the last time I will speak because I forgot something. Somebody mentioned that this bill has to be kept alive, has to advance because it's a mechanism by which to do one thing or the other when we get to the budget. First of all, the budget bill can be amended. Take this off the table. You can do it by amendment. If it's felt that there is nothing in the budget bill that could be conveniently amended, a bill can be offered. We can suspend the rules and introduce a bill outside of the time during which bills can be introduced. We can suspend the rules and not allow or require a certain number of days to pass before a hearing. The hearing can occur. The bill can be sent out here. The bill can be expedited. There are ways to get to whatever you want with reference to this program without this bill. You can vote to kill this bill by not voting to advance it. If it does not advance, then it's over. You talked about wanting to bracket it. That's what this amounts to. You have not voted to kill the bill, so you don't have to explain that. Vote no or don't vote. I offered a bill maybe two years ago. Fracking was going on, a form of it. People were very concerned in the western part of the state. Nobody would listen like I did. So I got 30-something signatures to suspend the rules and allow me to introduce the bill. The bill was introduced, a hearing was held, and then there was a discussion of all the things that needed to be discussed because of that bill and then other issues that pertain to it. The point I'm getting to is this--this bill is not a good thing to vote for. There are some who would vote for it because they think it's essential to the proper consideration of the budget and things related to it. This bill is not essential to that. This bill, if it were not in existence, could have an identical proposal drafted and introduced. That could be done. So there is no excuse for somebody to vote against this bill if he or she thinks it's not a good thing to do. Again, quoting from the "Bible" before my sermonizing is over, there's a lyric, if it were a song, but this from the "Bible," therefore thou art without excuse, old man, whoever you may be. No excuse, I've taken away the excuses. This once, if not again, do the right thing because it's the right thing to do. And if pressure from the Governor or anybody else causes you to feel that you must, in order to survive politically, consider this that the bill is talking about. I'm sure you could get the votes to suspend the rules, introduce a measure, have a hearing, and consider it. There are ways within the rules to do anything that needs to be done by this Legislature. Even suspending the rules themselves is provided by the rules. What I would like to do, but I can't because it's not a priority motion, is suspend the rules so that nobody can come to the Chamber and vote who was not in the Chamber during the debate. [LB335]

PRESIDENT FOLEY: One minute. [LB335]

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SENATOR CHAMBERS: Then you know there wouldn't be enough votes to advance this bill. But there's no way I could get that motion heard. So, since I have a few seconds left to show that I'm going to be collegial, I will not use all of them. Thank you, Mr. President. [LB335]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Riepe, you're recognized to close on the advance of LB335. [LB335]

SENATOR RIEPE: Mr. President and colleagues, I appreciate this opportunity. I, first of all, wanted to talk about facts, facts and truth, facts and truth. And the facts are LB335, is not, I repeat, not a cut to vulnerable children. This is a cost avoidance. LB335 does not eliminate subsidies. Based on Senator Krist's amendment, we have established a floor. I think that that's acceptable to the individuals that are here as reflected in the vote. We will evaluate the rates at Select File, the next step. And so with that, I ask you to vote yes on LB335. It's critical to our addressing the larger budget in the state of Nebraska. And with that, I would ask for a call of the house. [LB335]

PRESIDENT FOLEY: Thank you, Senator Riepe. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB335]

CLERK: 23 ayes, 1 nay to place the house under call. [LB335]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator McCollister, would you check in. Senators Geist, Smith, Harr, Clements, Murante, Schumacher, Friesen, Groene, please return to the Chamber and record your presence. The house is under call. All members are present. Senator Riepe, did you ask for a vote by roll call, or did you care? Roll call vote. Members, the question before the body is the advance of LB335 to E&R Initial. Mr. Clerk, please call the roll. [LB335]

CLERK: (Roll call vote taken, Legislative journal page 786.) 31 ayes, 10 nays, Mr. President. [LB335]

PRESIDENT FOLEY: The bill advances. I raise the call. Are there items for the record, Mr. Clerk? [LB335]

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CLERK: There are. Education Committee reports LB246 to General File. Senator Kuehn offers LR77, LR78; those will be laid over. An amendment to LB207 by Senator Krist to be printed. That's all I have, Mr. President. (Legislative Journal pages 786-788.) [LB246 LB207 LR77 LR78]

PRESIDENT FOLEY: Thank you, Mr. Clerk. We'll now proceed to the next bill on the agenda. Mr. Clerk.

CLERK: LB518 by Senator Williams. (Read title.) Introduced on January 18, referred to the Business and Labor Committee, advanced to General File. There are committee amendments, Mr. President. (AM424, Legislative Journal page 614.) [LB518]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Williams, you're recognized to open on LB518. [LB518]

SENATOR WILLIAMS: Thank you, Mr. President, and good morning, members and colleagues and friends. We spend a significant amount of time, as you know, in this body talking about growing our state, moving our state forward, and providing a better future for the next generation. Oftentimes that discussion revolves around our tax policy, economic incentives, access to quality education and healthcare. We are fortunate to have a nationally recognized business environment, low unemployment, strong work ethic, and a quality of life that many employers and employees are looking for. One of the factors that is often overlooked in the effort to attract employees and employers is access to quality, affordable housing. Ask any of the economic development professionals in your district about the barriers to attracting good jobs and employees, and I guarantee that the lack of quality and affordable housing is one of the greatest barriers facing rural Nebraska. In many communities across the state of Nebraska, we have jobs available that go unfilled because of this lack of housing. The problem is particularly acute in areas where the cost of housing is higher. A report from the Nebraska Investment Finance Authority, NIFA, shows that the cost of a new construction for single-family homes was highest in the Panhandle region of the state. The report shows the cost of comparable house in the Panhandle averaged \$248,000 compared to \$198,000 in Lincoln or Omaha. We simply don't have the housing developers in rural areas compared to our neighbors in Lincoln and Omaha, and we don't get the economies of scale that can be achieved with the housing development in more populated areas. LB518 is designed to help communities fill job openings by expanding the availability of housing options that employees desire. Specifically, the bill would create a grant program to stimulate housing development in rural Nebraska. Under the bill, a nonprofit development organization would apply to the Department of Economic Development for funds to develop work force housing through new construction, rehabbing existing homes, or building rental units. The type of activities that a nonprofit development organization could engage in

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include loan guarantees, purchase and rental agreements, and credit enhancements to reduce the cost of work force housing. To ensure communities have skin in the game, the bill requires a dollar-for-dollar match on all grant funds. To fund the program, LB518 would transfer unallocated funds from the Affordable Housing Trust Fund. The green copy of the bill proposes a transfer in the amount of \$14 million. However, that amount will be reduced by \$10.3 million through the committee amendment, which will be introduced by Senator Albrecht. And shortly following that, Senator Bolz will be introducing an amendment which will reduce it slightly further to \$7.3 million, and I clearly support that amendment. Just briefly, the Affordable Housing Trust Fund was established in 1996 in response to concerns about the effect of poor-quality housing on the economic development of the state. It is funded by a portion of the documentary stamps, doc fees, on certain real estate transactions. In fact, 95 cents of the \$2.25 doc fee collected on all real estate transfers goes to the Affordable Housing Trust Fund. Since its creation, this program has supported 524 grants all across our state, totaling more than \$120 million across Nebraska for low-income housing. A recent report from the Legislature's Performance Audit Committee states that there is more than \$11 million in the Affordable Housing Trust Fund above the current commitments for grants. In my discussions with the department and with the primary users of the fund, I am comfortable and DED is comfortable and confident that the transfer we are talking about through the proposed amendment and through the Bolz amendment would leave more than enough funds in the Affordable Housing Trust Fund for existing and future obligations. LB518 specifies that DED would award grants to areas with demonstrated housing and employment needs, a commitment to growing a community's housing stock, and an experienced board of directors. LB518 encourages grantees to use the funding or lose it within 24 months. If a grantee fails to use the funds in a timely manner, the grant funds would be returned to the department for further investment into work force housing until 2022, only a few years from now, when all funds unused would be returned to the department to the Affordable Housing Trust Fund. Finally, the bill requires reports from the grantees and the department to monitor the process and progress on the program. We had a really good public hearing in the Business and Labor Committee. You'll notice from the committee statement that a number of groups testified in support of LB518, including the Nebraska Economic Developers Association, the State Chamber, the Nebraska Bankers Association, the Nebraska Retailers Association, the League of Municipalities, and the Nebraska Housing Developers Association and others. The bill advanced from committee with an amendment on a 7-0 vote. And I would like to thank the Business and Labor Committee for choosing this as one of their priority bills. Again, LB518 uses only unallocated funds from the Affordable Housing Trust Fund to create a grant program that communities can use to engage in developing work force housing and meeting this need in rural areas. These grants require a one-to-one match, again, so that the communities have skin in the game. Communities can use these funds in various ways such as building single-family housing, rental units, or rehabs. This is a good use of the excess Affordable Housing Trust Fund dollars and can make a difference in creating a much needed work force housing issue in rural areas. This will clearly help our

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communities and our state grow. I encourage you to vote green on LB518 and the upcoming committee amendment and what will be introduced as the Senator Kate Bolz amendment. Thank you, Mr. President. [LB518]

PRESIDENT FOLEY: Thank you, Senator Williams. As the Clerk indicated, there are amendments from the Business and Labor Committee. Senator Albrecht, as Chair of the committee, you're recognized to open on the committee amendments. Senator Albrecht. [LB518]

SENATOR ALBRECHT: Thank you, President Foley. AM424 replaces the bill and contains the following substantive changes. In the green copy of the bill, the work force housing was defined as a housing unit that costs between \$150,000 and \$275,000 and a rental unit that costs between \$100,000 and \$200,000. The amendment removes these minimum limits relating to the cost of the owner-occupied housing units and rental housing unit construction costs. Section 4 of the amendment also reduces the maximum initial and aggregate grant awards in nonprofit development organizations they can receive. Previously, the organization could initially be awarded \$2 million with no more than \$5 million cumulative for any guarantee. The amendment reduces the grant awards to a million and \$2 million cumulative. It also pushes the grant awards to the fiscal year of 2020 to 2021 to allow the Department of Economic Development more time to establish the program. Section 5 of the amendment reduces the original transfer to the Rural Workforce Housing Investment Fund from the Affordable Housing Trust Fund from \$12 million to \$10.3 million and eliminates the additional \$1 million transfer in the succeeding years. Also the amendment requires that an organization's unallocated grant funds be returned to the Rural Workforce Housing Investment Fund when that organization fails to engage in a subsequent qualified activity within 24 months of engaging in the initial qualified activity. Lastly, Section 7 of the amendment, the department may use funds to cover the actual cost of administering the program, including but not limited to, the hiring of staff. AM424 received the full support of the committee and was adopted 7-0, and I would ask for your support of AM424. Thank you. [LB518]

PRESIDENT FOLEY: Thank you, Senator Albrecht. (Visitors introduced.) Mr. Clerk. [LB518]

ASSISTANT CLERK: Mr. President, Senator Bolz would move to amend the committee amendments with AM716. (Legislative Journal page 773.) [LB518]

PRESIDENT FOLEY: Senator Bolz, you're recognized to open on AM716. [LB518]

SENATOR BOLZ: Thank you, Mr. President. Between the introduction and hearing of the bill and today's floor debate, there was a report put out by our Performance Audit Committee. And I'd like to thank the Performance Audit Committee and the Performance Audit staff for their

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diligent work on the performance audit related to the Department of Economic Development. What they found was that there were some things that could be improved related to the administration of the Affordable Housing Trust Fund. Essentially since grants are awarded based on contracts and those contracts typically span over two or three construction seasons, the total amount of money in the fund includes both the amount to be awarded in the current year and the amount that remains to be committed. Carrying over those committed funds year to year artificially inflated the balance of the fund and that's what led to the accrual of the dollars in the Affordable Housing Trust Fund that are yet to be disbursed. Unfortunately, because of the way that that came together, there were qualifying applications that were applying for dollars in the Affordable Housing Trust Fund over the years that were not able to be funded. And the reason they weren't able to be funded, according to Performance Audit, include the number of grants applying, the total money available for the grants in a given year, the number of applicants, and the amount of money awarded per project. So essentially because the balance was artificially inflated, we have an accrual of dollars despite the fact that there were applicants that would have otherwise qualified and were denied because there was not enough money perceived to be in the fund. The most recent information that I have is that in 2015 there were 30 grants not funded. And so I appreciate the cooperation and partnership of Senator Williams to support the amendment to the committee amendment, so AM716 to AM424, which would recognize that some of the dollars that are contemplated in LB518 should reasonably be sent back to the Affordable Housing Trust Fund to recognize that there were unfunded projects due to the way that the program was administered. And so I appreciate the support of Senator Williams and I appreciate the support of all the colleagues on the floor this morning to support the amendment to the committee amendment. Thank you, Mr. President. [LB518]

PRESIDENT FOLEY: Thank you, Senator Bolz. Debate is now open on LB518 and the related amendments. Senator Chambers, you're recognized. [LB518]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I support the amendments. I support the bill. But I'd like to correct Senator Williams for an erroneous statement which is not his fault. He said that if you look among those who supported this bill, the proponents, you find State Chambers. I looked at that statement and it does have those words, State Chambers. But I want to make it clear for this record that referred to State Chambers of Commerce. Otherwise, people might think the most notorious Chambers in the state, which would be Ernie Chambers. That comment "State Chambers" does not refer to Senator Ernie Chambers. It refers to State Chambers of Commerce. Having said that, I'd like to ask Senator Williams a question if he would respond. [LB518]

PRESIDENT FOLEY: Senator Williams, would you yield, please? [LB518]

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SENATOR WILLIAMS: Certainly. [LB518]

SENATOR CHAMBERS: Senator Williams, do you agree with the explanation I gave of what those two words "State Chambers" actually refer to? [LB518]

SENATOR WILLIAMS: I certainly do. I actually said "State Chamber." I didn't have the plural on there that would remind you of your name. [LB518]

SENATOR CHAMBERS: Senator Williams, you're a youngster. Old people have a job of mentoring the young. So I'd like to ask you this, Sonny, would you like to make a wager? [LB518]

SENATOR WILLIAMS: No. [LB518]

SENATOR CHAMBERS: You're smarter than I thought. [LB518]

SENATOR WILLIAMS: It was a simple question. [LB518]

SENATOR CHAMBERS: Thank you. That's all that I have. [LB518]

PRESIDENT FOLEY: Thank you, Senator Chambers and Senator Williams. Senator Williams, you're next in the queue. [LB518]

SENATOR WILLIAMS: Thank you very much, Mr. President, and I would like to respond. I sincerely appreciate all the work that's gone into this, especially some of the comments that Senator Bolz has made and her amendment, which I do support. The performance audit came out at a great time actually when we were looking at LB518 and cleared the air on some issues. And I don't want to chastise anyone, but I would tell you that the answers that we have been able to receive from Courtney Dentlinger and her new management team have been very helpful in going through this. And I have great faith that under Director Dentlinger's leadership they will be addressing the issues brought up in the performance audit. And I would point out that one of the recommendations, in fact, it's recommendation number two in the audit, is that DED needs to develop a plan for reducing the current overage. And one of the ways to do that clearly that was announced by the performance audit is to engage in legislation to do that and that's what LB518 does. I also want to make it clear to any that might have a question that reducing the amount from the \$10.3 (million) in the committee amendment to the \$7.3 (million) in Senator Bolz's amendment still leaves a significant amount to be used in helping address this issue with rural housing. More importantly, it leaves \$3 million additional into the Affordable Housing Trust

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Fund which can be used to award those grant programs that are much needed across our state. As I said in my opening, they have awarded 524 grants over these years in excess of \$120 million so we are addressing that issue. I would, therefore, encourage everyone to vote green on AM716 introduced by Senator Bolz, followed by a green vote on the committee amendment, AM424, and a final green vote on LB518. Thank you, Mr. President. [LB518]

PRESIDENT FOLEY: Thank you, Senator Williams. Senator Bolz, you're recognized to close on AM716. She waives closing and the question before the body is the adoption of AM716. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk. [LB518]

CLERK: 38 ayes, 0 nays on adoption of the amendment to the committee amendment. [LB518]

PRESIDENT FOLEY: AM716 is adopted. Returning now to debate on LB518. Senator Schumacher. [LB518]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I rise not in opposition, but in observation of what we're doing here. We're taking 7 million bucks from one fund to put into another fund. If that money is available, one would have wondered why we had it in the first fund to begin with. Seven million dollars is about three-quarters of a section of land, roughly if it's good land. And we used to put into the school system one section out of 36 for school funding. And that would be around, well, at \$15,000 an acre, you're getting up to over 10 million bucks just to fund a township worth of land. The idea that with any of these programs we're going to make a meaningful impact is kind of daydream world. It will help. But there is need for a substantial redesign, substantial recognition that if you look through our smaller communities, their peak time was the 1920s when the agriculture economy required them to flourish. They have not flourished since then, not the fault of the people, but the fault of change or the benefits of change as ag's got much, much bigger. And at some point in the future, we're going to have to look and say systemically what do we have to do to change the economy so every time we turn around somebody is not looking for a government handout? We have a situation where obviously the local economies cannot sustain the very fundamental thing of supplying housing for workers who are probably working at a relatively low-paying job in most cases. And what's wrong with our economic design or thoughts that we want to go overboard to try to attract companies--probably out-of-state companies, but whatever--to invest here to take advantage of workers who may not be there in a time of low unemployment and who do not bring in a wage enough to sustain the home building industry in that community? There is something systemically wrong. That's probably due to the fact that we have not thought this through and we are too inclined to love the past and to think somehow massive trends are going to be reversed, that somehow we can fight the waves rather than ride the waves. We've got to

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think bigger than a lot of this. I'm going to support LB518 because what the heck? It's just moving something from one fund to another fund. But overall, the success of rural Nebraska, and maybe also the success of Nebraska as a whole, is going to depend on a lot more creativity and acceptance of the future than what we've been doing so far. Thank you. [LB518]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Seeing no other members wishing to speak, Senator Albrecht, you're recognized to close on committee amendments. She waives closing. The question before the body is the adoption of the committee amendment to LB518. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk. [LB518]

CLERK: 37 ayes, 0 nays. [LB518]

PRESIDENT FOLEY: The committee amendments are adopted. Returning to debate on LB518, Senator Watermeier. [LB518]

SENATOR WATERMEIER: Thank you, Mr. President. Good morning, Nebraska. I'd just like to thank Senator Williams for bringing LB518. I also remind the body that last summer Senator Williams and I traveled the state with LB1083. It was the Innovation and Entrepreneurship Act and we surveyed the state. We did a lot of work across the entire state. We had hearings in Kearney, Grand Island; and I didn't attend, but they were in Alliance and Omaha as well. But it was amazing to me the conversation we had. Every single stop we made was talking about work force housing and how we're out of balance in the state of Nebraska, how wages have not kept up with the ability to pay for housing. Every community is desperate for work force housing. So I would really like to thank Senator Williams for that publicly. And in our report, we actually...in one of the recommendations of our report, number 6, is to establish an economic development special committee; buried inside of that recommendation specifically talks about work force development. I do appreciate Senator Schumacher's comments about where we're coming up and this is an issue transferring funds from one to the other. But this is something that is needed clear across the state, and so I fully support LB518. Thank you, Mr. President. [LB518]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Senator Williams, oh, excuse me. Senator Chambers, you're recognized. [LB518]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, again, I support the bill. And I appreciate the fact that Senator Williams brought it, that he was willing to work with different groups and individuals to put it into the form that it's in now. He had mentioned that one of the things that will attract people to this state would be quality, affordable housing. I agree with that. And I would add quality, affordable childcare; and I'm going to add

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something else. If certain chairpersons brought as good a bill as that brought by Senator Albrecht this morning, I wouldn't have to talk as long. If people were as wise as Senator Williams in crafting quality legislation, I would not have to talk as long. So I want to give my thanks to Senator Albrecht, who is the Chair of the committee on which I sit, and Senator Williams, with whom I sat on a committee in the past. That's all I have to say. [LB518]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Williams, you're recognized to close on the advance of LB518. [LB518]

SENATOR WILLIAMS: Thank you, Mr. President, and thank you to those who have engaged in some conversation on this issue. As Senator Watermeier talked about, I had the opportunity to serve along with him and other senators on the LB1083 study group which did point out a number of things, and this certainly was at the top of the list in obstacles to rural economic development. I also think there has been some discussion by Senator Schumacher that is really meaningful moving forward and I'm fortunate enough to sit on the Legislature's Planning Committee of which Senator Schumacher chairs. And I would suggest, Senator Schumacher, that this be a topic for a broader discussion in the future that you have brought up. With that in mind, I would encourage everyone to recognize again the issue that we have here. LB518 is not a silver bullet, but it certainly addresses the current need that we have. So I would encourage everyone to vote green on LB518. Thank you, Mr. President. [LB518]

PRESIDENT FOLEY: Thank you, Senator Williams. Members, you've heard the debate on LB518. The question before the body is the advance of the bill to E&R Initial. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk. [LB518]

CLERK: 41 ayes, 0 nays on the advancement of the bill. [LB518]

PRESIDENT FOLEY: LB518 advances. Moving on to the next bill, Mr. Clerk. [LB518]

CLERK: LB566 introduced by the Natural Resources Committee. (Read title.) Introduced on January 18 of this year; referred to Natural Resources; advanced to General File with committee amendments attached. (AM551, Legislative Journal page 646.) [LB566]

PRESIDENT FOLEY: Senator Hughes, you're recognized to open on LB566. [LB566]

SENATOR HUGHES: Thank you, Mr. President, members of the body. LB566 was adopted...would adopt and enter Nebraska into the Interstate Wildlife (Violator) Compact and

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would increase penalties on certain game law violations. This bill was brought to our committee by the Nebraska Sportsmen's Foundation and Wildlife Crimestoppers. The Interstate Wildlife Violator Compact is an agreement currently in place in most every other state in the nation that recognizes the suspension of hunting, fishing and other game law permits in other member states. Through the compact, states assist one another by participating in a database of game law violators so that illegal activities in one state can affect a person's hunting and fishing privileges in all other participating states. The Interstate Wildlife Violator Compact was created to promote compliance with the laws, regulations, and orders related to the management of wildlife resources in member states. The compact also establishes a process in which game law violators by nonresidents of one state may be handled as if the person were a resident of the state where the violation took place. This will help promote efficiencies in the processing of game law violations by nonstate residents. The committee advanced the bill as amended by the committee amendment unanimously to General File. I will discuss the bill in more detail when I open on the committee amendment. Thank you, Mr. President. [LB566]

PRESIDENT FOLEY: Thank you, Senator Hughes. As the Clerk indicated, there are committee amendments. Senator Hughes, you're recognized to open on the committee amendments. [LB566]

SENATOR HUGHES: Thank you, Mr. President. The committee amendment rewrites the original LB566 to make it more concise and clear. The amendment replaces the bill. The intent and outcome is intended to match the original bill. AM551 enters the state into the Interstate Wildlife Violator Compact, provides citation procedures for the state issuing the violation, provides reporting procedures, describes how reciprocity works between the states, and assigns Game and Parks Commission as the authorized entity to enforce the compact and provides additional procedures for them to follow. The amendment also incorporates LB635, a bill introduced by Senator Bostelman, to strengthen penalties against game law violators. Concern about the wasting resources due to illegal behavior has led hunting and fishing sports groups to encourage more significant fines for violators. Additionally, the amendment removes the maximum and creates minimum permit revocation and suspension periods for certain game violations. The bill also makes hunting and fishing on a suspended permit a Class I rather than a Class III misdemeanor and removes the five-year cap on further permit suspension and provides for a minimum two-year suspension. The two bills together in this amendment are intended to strengthen penalties against game law violators and to ensure revoked and suspended permitholders from other states are not able to get hunting and fishing permits in Nebraska. Again, the bill as amended by AM551 advanced unanimously from committee. I would ask for your support for the amendment. Thank you. [LB566 LB635]

PRESIDENT FOLEY: Thank you, Senator Hughes. Debate is now open on LB566 and the related committee amendments. Senator Bostelman, you're recognized. [LB566]

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SENATOR BOSTELMAN: Thank you, Mr. President. I rise in support of LB566 as amended by AM551. Nebraska is one of only two states that is not a member of this compact or that's in the process of becoming a member of the compact. We worked very closely with Game and Parks on this, as well as other sporting groups in ensuring that the compact is the right decision for the state of Nebraska and it carries out the laws and duties of the Game and Parks that are appropriate for the state of Nebraska. It's time for the state of Nebraska to become a part of the compact, and I urge your green vote on LB566 as well as the amendment, AM551, which I brought. It stops our state from becoming a safe haven, the two together, for game violators from other states. And what you need to understand if someone is a violator and loses their permit to either hunt or fish in another state, what this allows is a more streamlined process which our state recognizes that and also eliminates their opportunity to have that hunting or fishing license in this state. AM551 brings us in alignment with our surrounding states. We've been lacking in penalties according to our surrounding states, and what this does is really just brings us in alignment. And last night on TV, if you paid attention, there was a new game law violation or new game violation that was brought in Merrick County. There was 20-some snow geese that were thrown into the ditch and just left to rot. We need to stop that. We need to put teeth into our laws that keeps these types of crimes continuing to happen and protect our resources in the state. For that reason and others I stated before, I encourage your green vote and your support of AM551 and LB566. Thank you. [LB566]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Thank you, Senator Bostelman. Senator Schumacher, you're recognized. Do not see Senator Schumacher. Senator Hughes, you're welcome to close on AM551. Senator Hughes waives closing. The question before us is the adoption of AM551 to LB566. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB566]

CLERK: 37 ayes, 0 nays on adoption of committee amendments. [LB566]

SPEAKER SCHEER: The amendment is adopted. Discussion on the advancement of LB566. Senator Chambers, you're recognized. [LB566]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to engage Senator Hughes in a bit of discussion if he's willing to participate. [LB566]

SPEAKER SCHEER: Senator Hughes, would you please yield? [LB566]

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SENATOR HUGHES: Of course. [LB566]

SENATOR CHAMBERS: Senator Hughes, are you aware of the fact that on various occasions I've offered bills to take away the authority of Game and Parks to establish mountain lion hunting seasons? [LB566]

SENATOR HUGHES: Yes, I am. [LB566]

SENATOR CHAMBERS: Have you heard me say in the past when one such bill may have been pending either in committee or on the floor that if that bill did not pass and if the commission wanted to persist in setting mountain lion hunting seasons, I would do everything I could to fight against any proposal that was offered which would benefit the Game and Parks Commission? Have you heard me make statements of that kind from time to time? [LB566]

SENATOR HUGHES: Yes. [LB566]

SENATOR CHAMBERS: Is this a bill that would at least indirectly benefit what Game and Parks is about and trying to accomplish? [LB566]

SENATOR HUGHES: Minimally, yes. [LB566]

SENATOR CHAMBERS: Could this be interpreted as one of the types of bills that I would fight against because it did pertain to Game and Parks? [LB566]

SENATOR HUGHES: I don't believe so. [LB566]

SENATOR CHAMBERS: By virtue of the fact that it indicated it was a Game and Parks bill, might somebody not as savvy as you think this would fit among the types of bills that I would fight based on my attitude toward mountain lion hunting seasons? [LB566]

SENATOR HUGHES: You might. But this is more of a bill protecting... [LB566]

SENATOR CHAMBERS: You answered the question. [LB566]

SENATOR HUGHES: Okay. [LB566]

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SENATOR CHAMBERS: He has to learn when he's answered the question to stop. I've said this before. There was a lawyer questioning a person who was testifying against his client's interest. So the lawyer said, you've testified that my client bit this man's ear off. Is that true? And the man says, that's true, I did so testify. He said, did you see my client bite his ear off? The man, the witness said no. The lawyer should have stopped. The lawyer went on. How then can you say that my client bit the man's ear off? The witness said, I saw him spit it out. So when you answered the question. Now do you consider yourself to be a reasonable man? [LB566]

SENATOR HUGHES: Absolutely. [LB566]

SENATOR CHAMBERS: Do you consider me to be at least on occasion when properly approached to be able to behave as a reasonable man? [LB566]

SENATOR HUGHES: Absolutely. [LB566]

SENATOR CHAMBERS: Did these two reasonable men have a conversation about this bill? [LB566]

SENATOR HUGHES: Yes, we did. [LB566]

SENATOR CHAMBERS: Did these two reasonable men arrive at a reasonable conclusion? [LB566]

SENATOR HUGHES: I sure hope so. [LB566]

SENATOR CHAMBERS: Your understanding from that discussion was that this reasonable person with whom you had this discussion would see his way clear to support a bill such as this because of what it was going to accomplish. Is that basically correct? [LB566]

SENATOR HUGHES: Yes, it is. [LB566]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I wanted the record to be clear on why I'm supporting this bill. The only objection that I would have if I would raise one is that the fine may not be steep enough. But as it has been described--when I say "it," I mean the activity that this bill is attempting to bring an end to--it is so reprehensible, so deplorable that we would hope it would never happen again. If the fine were a million dollars, it wouldn't amount to

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anything if you couldn't catch the ones or the one who had engaged in this deplorable conduct. So I'm not going to say that it is unreasonable to have a fine of this amount. [LB566]

SPEAKER SCHEER: One minute. [LB566]

SENATOR CHAMBERS: If I had my preference, I would make it steeper. It would serve as a warning to the people who do this that there will be a substantial price to pay and it might be a greater incentive for the prosecutorial branch of government to prosecute one of these individuals if apprehended. But I intend to support the bill as amended. Thank you, Mr. President. [LB566]

SPEAKER SCHEER: Thank you, reasonable Senator Chambers and reasonable Senator Hughes. Senator Wayne, you're recognized. [LB566]

SENATOR WAYNE: Thank you, Mr. President. I'm just rising to support this bill. But more importantly, I just want to make a point that in this bill we are creating new misdemeanor offenses. And that I just went back and checked some other statutes where we already have some violations for elk and some other things, mountain sheep. And this goes back to an earlier conversation, Chairwoman Ebke, that I think we should have is we need to look at our entire criminal code and bring everything up to date because this is what happens with our criminal code is although this is a Natural Resources Committee issue, we are creating misdemeanors and clarifying more misdemeanors. And as each committee continues to do this, we continue to have a larger criminal code that does not always coincide with each other. So I think it's important as bills come across that raises the issue of new misdemeanors and adding additional penalties, I will continue to remind this body that we need to have a bigger conversation around our criminal code; because this is just one example of you read the bill quickly and you read the statement of intent. Nobody would really think there is some criminal elements and criminal code elements in this. And then five years later we say, we missed that. We didn't know that was on the books. So I just think as we move as a body to update many codes, we need to make sure we look at our criminal code. But with that, I will continue to support this bill. Thank you. [LB566]

SPEAKER SCHEER: Thank you, Senator Wayne. Seeing no one else in the queue, Senator Hughes, you're welcome to close on LB566. [LB566]

SENATOR HUGHES: Thank you, Mr. President. I just want to take a moment to thank the senators for their conversation and also thank my committee members for the work we did on this bill. This is a good bill. I would encourage your green vote. Thank you. [LB566]

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SPEAKER SCHEER: Thank you, Senator Hughes. The question before you is the advancement of LB566 to E&R Engrossment (sic--Initial). All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Okay, Senator Harr, we don't want you to get a heart attack. Now have all voted? Please record, Mr. Clerk. [LB566]

CLERK: 38 ayes, 0 nays on the advancement of the bill. [LB566]

SPEAKER SCHEER: LB566 is advanced to E&R Engrossment (sic--Initial). Mr. Clerk, next item. [LB566]

CLERK: Mr. President, LB9 introduced by Senator Krist relates to radon. (Read title.) Introduced on January 5, referred to the Urban Affairs Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB9]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Krist, you're welcome to open. [LB9]

SENATOR KRIST: Thank you, Mr. President. Good morning again, colleagues, and good morning, Nebraska. LB9 advanced from the Urban Affairs Committee on a 6-0 vote with 1 member present not voting. I want to thank Chairman Wayne and the committee for advancing the bill. Years of effort have been invested to address the life-threatening problem we have in the state with elevated levels of radon. And I would note that our state's levels of radon are the third worst among all 50 states. With the support of interested parties, which includes various business interests, LB9 is a step in the right direction to help address this serious problem. It would establish the creation of a Radon Resistant New Construction Task Force. The task force will consist of the Department of Health and Human Services Chief Medical Officer or his designee, in addition to 16 who will be appointed by the Governor. The task force will develop minimum standards for radon resistant new construction and recommend standards to the Governor, the Health and Human Services Committee, and the Urban Affairs Committee of the Nebraska Legislature. LB9 is important because it is a public health bill that moves Nebraska forward to address the dangers and health risks associated with exposure to radon gas. Awareness of these dangers has increased over the past several years and in many ways reminds me of the concerns we saw that were raised decades ago regarding the exposure to asbestos. I've introduced LB9 because it is a policy measure that sets in motion a process that will allow us to help mitigate these costly and dangerous impacts of radon gas. Radon is odorless, colorless, tasteless. It occurs naturally. It's radioactive and created by uranium decaying in the soil and it causes cancer. Radon is leading the cause of lung cancer in nonsmokers and the second leading cause of lung cancer overall, with smoking as the leading cause. This should be an even greater concern for the families in the state of Nebraska as our state has the third highest emission of radon gas in the country. This concentration of uranium is in our soil. Radon dissipates in the air to safe levels

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normally. But in buildings, homes, schools, and offices, it becomes trapped, elevates to the levels that cause cancer. There are radon mitigation and reduction methods that we can use in construction that vent these dangerous gasses out of the building safely and into the air where it will dissipate. LB9 is a policy framework that over the next few years will develop minimum standards for radon resistant construction to new construction in Nebraska, will incorporate radon reduction techniques so that we can save lives in Nebraska and reduce health costs of this very real and preventable, dangerous health risk. I introduced legislation similar to this bill two years ago and found that there were many parties interested in the bill. I worked with the Department of Health and Human Services, along with the interested parties in construction and building so what I could introduce this legislation which incorporates their feedback in how to move forward in the state. LB9 adopts the Radon Resistant New Construction Act. This sets up a task force that will work on the issue in radon resistant construction standards over the next year, then make its recommendations to the Legislature by April 15 of 2018. These recommendations would then be used as a basis of statutory change which could and will be taken up in the 2018 legislative session or later and will serve as a baseline for local radon resistant construction standards. I'd like to just say at this point that this actually goes back for me about five years when the Lung Association brought me the bill. I, like many of us, have great ideas on how to solve the issue, was instructing the construction industry and others in the ways that I thought would be good measures to prevent radon in our homes, and that wasn't taken very well. It never is when you try to tell somebody what to do. But this bill represents the buy-in that a group who will sit and look at the mitigation techniques can recommend to this Legislature or future Legislatures in terms of how to mitigate this serious health risk. Again, I want to thank the committee for bringing it out so that I could present it this year. It's the end of a five-year event for me. I will ask for your green vote. And in one other additional comment, I had to watch as my father who was affected by asbestos in his mesothelioma went through a horrible disease. I watched as his lungs deteriorated and the cancer became worse and worse. And I can imagine nothing more that I could do in the future than make sure that asbestos, which caused that horrible disease, and things like radon are mitigated for this state and the 1.9 million residents in this state. Thank you. [LB9]

SPEAKER SCHEER: Thank you, Senator Krist. Senator Crawford, you're recognized. [LB9]

SENATOR CRAWFORD: Thank you, Speaker, and I rise in support of LB9, Senator Krist's efforts, and I just want to thank Senator Krist for his longstanding effort to bring this issue to our attention and work on having this important conversation about what changes may be necessary in our codes moving forward. This bill really sets up that framework for an effective conversation, and I think that's an important next step to take on this issue and I appreciate his advocacy. And as you've heard, he has a very compelling personal story behind that advocacy as well. I've been on the Health and Human Services Committee and the Urban Affairs Committee that's heard about this issue, and so I appreciate his efforts to move that conversation forward and

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decide the best way to tackle this issue in the state of Nebraska. And so I encourage your support of LB9. Thank you. [LB9]

SPEAKER SCHEER: Thank you, Senator Crawford. Seeing no one else in the queue, Senator Krist waives closing on LB9. The question before you is the advancement of LB9. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Please record. [LB9]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB9. [LB9]

SPEAKER SCHEER: LB9 advances to E&R Initial. Next item, Mr. Clerk. [LB9]

CLERK: Mr. President, LB225 is a bill by Senator Crawford. (Read title.) Introduced on January 10, referred to the Health Committee, advanced to General File. There are committee amendments, Mr. President. (AM611, Legislative Journal page 706.) [LB225]

SPEAKER SCHEER: Senator Crawford, you're welcome to open on LB225. [LB225]

SENATOR CRAWFORD: Thank you, Mr. President, and good morning, colleagues. After a lengthy planning process with stakeholders and lawmakers, the Division of Children and Family Services was granted a five-year federal waiver to implement an alternative response pilot project in 2013. And the Nebraska Legislature authorized the pilot the following year with the passage of LB853. The Legislature must reauthorize the pilot this year in order for the approach to continue; and without such approval, the state would be risking losing its largest source of child welfare funding. LB225 would extend our state's alternative response pilot program until December 31, 2020, to allow the Department of Health and Human Services to complete the evaluation and statewide expansion requirements necessary to be in compliance with the federal waiver. Alternative response provides a different approach to traditional child protective services responses. The goal of the alternative response program is to provide early intervention and services to at-risk families in order to strengthen the family, protect the children from harm, and to prevent the child from being removed from the home by child welfare services if possible. It's important to note that only cases in which there is deemed to be a low or moderate risk to children can qualify for AR and there are 22 exclusionary criteria used to screen cases to ensure that only the lowest risk cases go to AR. In 2016 I introduced LR544 to examine the effectiveness of the implementation and administration of the AR pilot project. More specifically, the study looked into possible issues that could be addressed and the future reauthorization and expansion of the pilot project statewide, as well as systematic barriers to optimal effectiveness and accessibility. During the interim, I also met with the department, administrators, and evaluators to discuss the progress of the pilot and the initial evaluations. The pilot currently uses a randomized control trial study to carefully test the effectiveness of this

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approach. Are families more stable? Do we see fewer families falling back into the system with alternative response? The alternative response pilot program was first implemented in five initial starts, including Sarpy County, and over the past three years has expanded to several locations across the state. LB225 would extend the alternative response pilot program until December 31, 2020, to allow the Department of Health and Human Services to complete their statewide expansion process, as well as the current evaluation process required by their federal waiver, which ends July 1, 2019. If we do not extend the pilot program so that these waiver requirements can be properly completed, we risk access to federal funds and our state's title waiver. It's important to clarify that when extending the pilot, it was not the intent of the bill to extend the independent evaluation that has already been contracted. As amended, LB225 would not require the Department of Health and Human Services to contract for additional independent evaluation, but instead simply allows the completion of the current evaluation. So you have the opportunity to review these findings and decide whether to continue and expand this approach further. Since the new contract will not be required, the General Fund's impact will be eliminated if the committee amendment is adopted. LB225 does require the Department of Health and Human Services to conduct an internal assessment of the pilot program based on these results and other findings and present the report of their findings to HHS Committee. Within this report, LB225 requires the Department of Health and Human Services to provide analysis of the challenges, barriers, and opportunities that may occur if alternative response implementation plan is made permanent. Finally, LB225 provides that child advocacy centers may access appropriate information regarding cases of suspected child abuse and neglect. Although law enforcement and child advocacy centers do not directly work with AR families, child advocacy centers play a critical role in reviewing cases of suspected child abuse and neglect of interdisciplinary teams to make sure our children have the protections and supports that they need. We heard during the hearing how important this support role of the child advocacy centers is to our local community teams. There are already lessons about potential improvements that have been learned during the initial implementation of the pilot and discussed as part of the interim study. In conversations with the Department of Health and Human Services and stakeholders, there was an agreement not to change some of these areas now because we're in the middle of the evaluation. There are, however, areas that we'll need to consider before this program is made permanent. Just for the record, let me highlight one example. The exclusionary criteria screen out many families who may be appropriate, low-moderate risk candidates for AR such as those with previous substance abuse issues. As we decide whether to make AR permanent, this will be an important issue for us to discuss further down the road. Overall, we've seen promising initial results. However, these results are preliminary. For this reason and to fulfill our obligations that we made in securing our waiver for the program, it is critical that we have the full evaluation and time to assess possible changes before we decide whether to make the program permanent. LB225 extends the program to allow us to continue the pilot and evaluation. It allows a window for us to respond to these evaluations during the following session. Extending the program to 2020 provides a buffer between the end of the evaluation period and expiration of the pilot program so there is a

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legislative window to make any changes to the program and make the program permanent if that's what the Legislature decides is in the best interest of families and the state. The committee amendment to the bill, AM611, contains changes to LB225, as well as...it contains LB225 now as the white copy as well as LB297, LB298, and LB336. This package of bills is attempted to work together to improve child protections in our state and strengthen the systems that provide critical services to our state's most vulnerable families and children. LB297 was introduced by Senator McCollister. It provides...and Chairman Riepe will speak more to these amendments and also the introducers will speak more to these specific bills that are included in the amendment. Just briefly, LB297 creates a foundation to establish a data warehouse that will allow us to develop a system to enable us to analyze the impact of our programs across department silos to see what programs are working and how we should best be investing our resources. LB296 introduced by Senator Baker requires that all childcare institutions licensed and contracted through DHHS take care...and YRTCs take care of our youth that have normalcy plans to help our youth successfully transition and ensure that they can experience childhood and also to protect them when they are missing from care to make sure that they...to reduce their risk of being trafficking victims. LB336 introduced by Senator Riepe will allow the Department of Health and Human Services to charge a reasonable fee to those requesting checks to the central registry of the child and adult protection cases to be put toward the operational cost of completing these checks. Together these bills will work to strengthen our child welfare system and improve protections for our youth to keep them out of foster care and out-of-home care and to provide further protections if they do land in out-of-home care or land in our juvenile justice system in terms of our facilities that are not detention facilities. LB225, as well as the bills included in the committee amendment, AM611, were passed unanimously out of the Health and Human Services Committee with 7-0 votes. The committee amendment also proposes an emergency clause to make sure that we extend the pilot as quickly as possible to remain in compliance with our federal waiver. And with that, colleagues, I encourage your green vote on LB225 and AM611. Thank you, Mr. President. [LB225 LB297 LB298 LB336]

SPEAKER SCHEER: Mr. Clerk. [LB225]

CLERK: Mr. President, there are Health Committee amendments. [LB225]

SPEAKER SCHEER: Senator Riepe, you're welcome to open on those amendments. [LB225]

SENATOR RIEPE: Thank you, Mr. President and colleagues. I appreciate this opportunity to submit the Health and Human Services Committee amendment, AM611. AM611 includes LB298, Senator Baker's bill, as amended by AM537; LB297, Senator McCollister's bill as amended by AM365; and LB336, introduced by myself at the request of the Governor as amended by AM462. First, I would like to provide a quick overview of the bills, as I know

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Senator McCollister and Senator Baker will want to provide greater detail on their bills, and then talk about each of the amendments. First, I will start with LB297. LB297 creates a pilot project as the Children and Juveniles Data Pilot Project. The bill creates the Children and Juveniles Data Pilot Project Advisory Group. It mandates the group meet twice a year, creates a Data Steering Subcommittee, creates an Information-Sharing Subcommittee, and requires a written report annually. It provides a definition of independent, external data warehouse. And LB297 provides for a sunset date of December 31, 2019. AM365 of LB297 strikes the bill and removes individuals from the advisory group and creates the Children and Juveniles Data Feasibility Study Advisory Group. LB298 permits and requires the Department of Health and Human Services to establish a procedure for the public dissemination of a picture of and information about a child missing from a foster or out-of-home placement subject to state and federal confidentiality laws. The bill renamed the Normalcy Task Force the Nebraska Strengthening Families Act Committee under the children's...Nebraska Children's Commission and adds a representative of a juvenile facility to the committee; also applies certain provisions for the Nebraska Strengthening Families Act to children placed in juvenile facilities and requires a child-care institution, juvenile facilities, and youth rehabilitation and treatment centers to develop a written normalcy plan and annual normalcy report. The bill also requires the Department of Health and Human Services to adopt and promulgate rules and regulations regarding training for foster parents on recognizing human trafficking. AM537 came with discussion with Probation and stakeholders after the hearing. AM537 adds dissemination of a picture of and information about a child missing from a foster and out-of-home placement subject to state and federal confidentiality laws by the Office of Probation Administration shall be authorized by an order of a judge or court. AM537 strikes juvenile facilities from the bill. The amendment shifts burden of the normalcy plan to child-care institutions from the department and strikes interim program school from normalcy plan requirements. The amendment also allows the Office of Probation to adopt and promulgate rules and regulations. LB336 allows the Department of Health and Human Services to charge a reasonable fee to cover the expenses to provide central registry checks. The fee as originally drafted would not exceed \$3. The department may waive the fee if the requesting party shows the fee would be an undue financial hardship. The department may adopt and promulgate rules and regulations. After discussion with the committee, the HHS Committee members wanted to increase the fee from \$3 maximum to \$5 minimum and a \$10 maximum and wanted to exempt child placement agencies for the purpose of placement of a child in foster care. I know this is a complex amendment, but I do ask for your support of AM611. Thank you, Mr. President. [LB225 LB298 LB297 LB336]

SPEAKER SCHEER: Thank you, Senator Riepe. Mr. Clerk for announcements. [LB225]

CLERK: Mr. President, an amendment to be printed to LB225, Senator Morfeld. Announcement, the Special Committee on the Election Challenge will meet upon adjournment in Room 2102. (Legislative Journal page 789.) [LB225]

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Mr. President, priority motion. Senator Erdman would move to adjourn the body until Thursday, March 23, at 9:00 a.m.

SPEAKER SCHEER: Colleagues, you've heard the motion for adjournment. All those in favor say aye. All those opposed say nay. The ayes have it. We are adjourned.